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215-972
GSA

FRIDAY, FEBRUARY 20, 1976



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Daily List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The

list is kept current in the **FEDERAL REGISTER** and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 8529..... Pub. Law 94-214
Rice Production Act of 1975
(Feb. 16, 1976; 90 Stat. 181)

The following bill was vetoed by the President:

H.R. 5247, Public Works Employment Act of 1975. Veto message dated February 13, 1976; Weekly Compilation of Presidential Documents, Vol. 12, No. 7.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6. The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

PROCLAMATION 4416

National Poison Prevention Week, 1976

By the President of the United States of America

A Proclamation

The life of a child is precious. The loss of even one child is tragic. Yet each year accidental poisonings cause too many of our Nation's children to suffer illness and injury from which they may never recover.

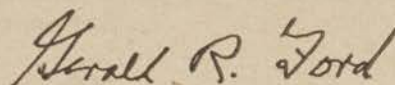
As every parent knows, children are by nature inquisitive. They are explorers and experimenters. It is our responsibility not only to teach them the dangers that poisonous substances present, but to provide them with a safe environment. Special packaging required under the provisions of the Poison Prevention Packaging Act of 1970 plays a major role in achieving this aim. Data recently released by the National Center for Health Statistics indicate that in the year since aspirin products were first required to be kept in safety packaging, the number of deaths among children under five from aspirin poisoning declined 48 percent.

While these developments are encouraging, they provide no excuse for a relaxation of concern or vigilance. During 1974, over 200,000 accidental ingestions of household substances were reported by poison control centers through out the country. Approximately 130,000 involved children under five years of age. But these reports may represent only a fraction of the actual number of toxic episodes. Medical authorities estimate that each year 600,000 to one million children accidentally swallow substances which may be harmful—or even deadly.

Recognizing the need to encourage all Americans to take preventive measures to eliminate accidental poisonings and their tragic toll, the Congress, by joint resolution of September 26, 1961 (36 U.S.C. 165), has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning March 21, 1976, as National Poison Prevention Week. I urge all Americans to provide safety for our Nation's youngsters by storing, using, and handling household substances with care. I invite all organizations concerned with preventing accidental poisoning among children to join in activities that will assist in protecting all our children from these dangers.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of February, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc.76-5108 Filed 2-19-76;10:28 am]

PROCLAMATION 4417

An American Promise

By the President of the United States of America

A Proclamation

In this Bicentennial Year, we are commemorating the anniversary dates of many of the great events in American history. An honest reckoning, however, must include a recognition of our national mistakes as well as our national achievements. Learning from our mistakes is not pleasant, but as a great philosopher once admonished, we must do so if we want to avoid repeating them.

February 19th is the anniversary of a sad day in American history. It was on that date in 1942, in the midst of the response to the hostilities that began on December 7, 1941, that Executive Order No. 9066 was issued, subsequently enforced by the criminal penalties of a statute enacted March 21, 1942, resulting in the uprooting of loyal Americans. Over one hundred thousand persons of Japanese ancestry were removed from their homes, detained in special camps, and eventually relocated.

The tremendous effort by the War Relocation Authority and concerned Americans for the welfare of these Japanese-Americans may add perspective to that story, but it does not erase the setback to fundamental American principles. Fortunately, the Japanese-American community in Hawaii was spared the indignities suffered by those on our mainland.

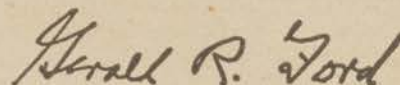
We now know what we should have known then—not only was that evacuation wrong, but Japanese-Americans were and are loyal Americans. On the battlefield and at home, Japanese-Americans—names like Hamada, Mitsumori, Marimoto, Noguchi, Yamasaki, Kido, Munemori and Miyamura—have been and continue to be written in our history for the sacrifices and the contributions they have made to the well-being and security of this, our common Nation.

The Executive order that was issued on February 19, 1942, was for the sole purpose of prosecuting the war with the Axis Powers, and ceased to be effective with the end of those hostilities. Because there was no formal statement of its termination, however, there is concern among many Japanese-Americans that there may yet be some life in that obsolete document. I think it appropriate, in this our Bicentennial Year, to remove all doubt on that matter, and to make clear our commitment in the future.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim that all the authority conferred by Executive Order No. 9066 terminated upon the issuance of Proclamation No. 2714, which formally proclaimed the cessation of the hostilities of World War II on December 31, 1946.

I call upon the American people to affirm with me this American Promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc.76-5141 Filed 2-19-76;1:27 pm]

PROCLAMATION

An American Promise

To the People of the United States of America

A Proclamation

I, the President of the United States, do hereby declare that the American people have made a great promise to the world. This promise is the promise of peace, of freedom, and of justice for all. It is a promise that we have made to ourselves and to the world, and it is a promise that we must keep.

For many years, the American people have been struggling for peace, for freedom, and for justice. We have fought wars, we have suffered hardships, and we have made sacrifices. But we have never given up. We have always stood for the principles of peace, of freedom, and of justice. And now, we are making a new promise to the world. We are promising to keep the principles of peace, of freedom, and of justice, and to make them a reality for all people.

This promise is a promise of peace, of freedom, and of justice for all. It is a promise that we have made to ourselves and to the world, and it is a promise that we must keep. We must keep this promise, for it is the promise of the American people, and it is the promise of the world.

I, the President of the United States, do hereby declare that the American people have made a great promise to the world. This promise is the promise of peace, of freedom, and of justice for all. It is a promise that we have made to ourselves and to the world, and it is a promise that we must keep.

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I, the President of the United States, do hereby declare that the American people have made a great promise to the world. This promise is the promise of peace, of freedom, and of justice for all. It is a promise that we have made to ourselves and to the world, and it is a promise that we must keep.

For many years, the American people have been struggling for peace, for freedom, and for justice. We have fought wars, we have suffered hardships, and we have made sacrifices. But we have never given up. We have always stood for the principles of peace, of freedom, and of justice. And now, we are making a new promise to the world. We are promising to keep the principles of peace, of freedom, and of justice, and to make them a reality for all people.

I, the President of the United States, do hereby declare that the American people have made a great promise to the world. This promise is the promise of peace, of freedom, and of justice for all. It is a promise that we have made to ourselves and to the world, and it is a promise that we must keep.

Franklin D. Roosevelt

THE PROTESTANT

PROTESTANT VOL. 10, NO. 10, 1940

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Community Services Administration

Section 213.3373 is amended to show that one position of Special Assistant to the Director is excepted under Schedule C.

Effective on February 20, 1976, § 213.3373(a) (6) is added as set out below:

§ 213.3373 Community Services Administration.

(a) *Office of the Director.* * * *

(6) One Special Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-4583 Filed 2-19-76;8:45 am]

PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to reflect a headnote change from: Assistant Secretary for Equal Opportunity to Assistant Secretary for Fair Housing and Equal Opportunity. This section is further amended to show that one position of Private Secretary to the Assistant Secretary for Fair Housing and Equal Opportunity is reestablished under Schedule C.

Effective on February 20, 1976, the headnote of § 213.3384(f) and § 213.3384(f) (1) are amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

(f) *Office of the Assistant Secretary for Fair Housing and Equal Opportunity.*

(1) One Private Secretary to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-4585 Filed 2-19-76;8:45 am]

PART 213—EXCEPTED SERVICE Department of Housing and Urban Development; Correction

The Miscellaneous Revocation of Part 213 which appeared in the FEDERAL REGISTER of Wednesday, November 24, 1975 (FR Doc. 75-31615), inadvertently revoked § 213.3384(f) (5). It should appear as follows:

§ 213.3384 Department of Housing and Urban Development.

(f) *Office of the Assistant Secretary for Equal Opportunity.* * * *

(5) One Confidential Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-4584 Filed 2-19-76;8:45 am]

Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 73—SCABIES IN CATTLE Area Quarantined

This amendment quarantines a portion of Cimarron County in Oklahoma because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Oklahoma is revised to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

(1) That portion of Cimarron County comprised of secs. 34 and 26, Township 3 North, Range 5 East.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective February 13, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of February, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-4797 Filed 2-19-76;8:45 am]

Title 14—Aeronautics and Space CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation SPR-99, Amdt. 9]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 17, 1976.

In 1971, the Civil Aeronautics Board amended Parts 207, 208, 212, and 214 of its Economic Regulations (14 CFR Parts 207, 218, 212, and 214) so as to require only that split-charter contracts cover at least 40 seats, rather than require that a split-charter group consist of at least 40 passengers.¹ This change was made so that "it will no longer be necessary for a charterer contracting for 40 seats to cancel where only 39 passengers show up."²

¹ ER-659, effective April 6, 1971, 36 F.R. 2486.

² *Id.* at page 17 (mimeo).

The special regulations which have since been promulgated reflect this revised split charter requirement by making it clear that the charter contract for the group must cover "40 or more seats." However, the two special charter rules which were in effect in 1971 for Study Group Charters and Inclusive Tour Charters (14 CFR Parts 373 and 378, respectively) have never been revised to reflect the concept of a 40-seat split-charter contract rather than a 40 passenger group.

Globus-Gateway Tours, Ltd. has filed a petition for rulemaking calling this matter to our attention and requesting an appropriate amendment. Answers in support of Globus-Gateway's petition has been filed by Overseas National Airways and American Leadership Study Groups. No other answers have been received.

We agree that the pertinent provisions in the existing charter rules should be amended so as to remove any ambiguity that, for split-charter purposes, only the number of seats covered by the charter contract is significant, regardless of the size of the group.

Because this amendment relieves a burden and is of a technical nature which serves to conform the provisions of this special charter rule with those set forth in the Board's other charter rules, the Board finds that notice and public procedure are unnecessary and would not be in the public interest and that the rule may become effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 effective February 17, 1976, as follows:

Amend § 373.2 to read in part as follows:

§ 373.2 Definitions.

"Study group charter" means

(3) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats.

(Sections 101, 204, 401 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 737, 743, 754 and 757, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-4909 Filed 2-19-76;8:45 am]

* Part 372a (Travel Group Charters), SPR-61, effective September 27, 1972, 37 F.R. 20808, § 372a.10(b), and Part 378a (One-stop-inclusive Tour Charters), SPR-85, effective September 13, 1975, 40 F.R. 34809, § 378a.10(b).

* Docket 28579. Although the petition referred only to Inclusive Tour Charters, the same situation exists also in the Study Group Charter rule and we are treating both rules simultaneously.

[Regulation SPR-100, Amdt. 13]

PART 378—INCLUSIVE TOUR CHARTERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 17, 1976.

For the reasons stated in SPR-99, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 effective February 17, 1976, as follows:

Amend § 378.2 to read in part as follows:

§ 378.2 Definitions.

(b) * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That, if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats.

(Sections 101, 204, 401 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 737, 743, 754 and 757, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-4910 Filed 2-19-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2784]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lustrasilk Corporation of America, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170-24 Cosmetic or beautifying; 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; 13.2100-5 Labeling. Subpart—

Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Lustrasilk Corporation of America, Inc., a corporation; and D. C. Smith and Guenther Roth, individually and as officers of said corporation.

Consent order requiring a St. Louis Park, Minn., manufacturer of cosmetics, among other things to cease misrepresenting that its hair conditioners are safe and from making other false claims; and further requiring the firm to include a health hazard warning in advertising and labeling for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

I. It is ordered That respondents Lustrasilk Corporation of America, Inc., a corporation, its successors and assigns, and its officers, and D. C. Smith and Guenther Roth, individually and as officers of Lustrasilk Corporation of America, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit or any cosmetic in or affecting commerce, as "cosmetic" and "commerce" are defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually, or in any other manner, directly or by implication, that:

1. Any hair straightening product is gentle or safe, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation, and unless at the time and in the place such representation is made respondents also state: "Warning: the Lustrasilk process uses a pressing comb which may damage hair or scalp if not properly used."

2. Any hair straightening product or process does not or cannot cause hair damage or loss, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation, and unless at the time and in the place such representation is made respondents also state: "Warning: the Lustrasilk process uses a pressing comb which may damage hair or scalp if not properly used."

3. Any such product is beneficial to hair or improves its condition or appearances unless at the time the representation is made, respondents have a reason-

¹ Copies of the Complaint, Decision and Order, filed with the original document.

able basis, consisting of competent and reliable controlled tests, to support such representation.

4. Any such product is a hair straightener or aids in maintaining the straightened effect achieved by application of a pressing comb, unless at the time the representation is made, respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation.

B. Representing, in any manner, the safety or efficacy of any cosmetic, or the ingredients therein, unless at the time such representation is made, respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation; or misrepresenting in any manner the nature of any such product or its ingredients or the effect of any such product or its ingredients on hair or skin or any other structure of the body.

C. Disseminating or causing to be disseminated any advertisement of Lustrasilk Home Permanent or Lustrasilk 4 Application Home Perm Kit or any similar product which fails to disclose, clearly and conspicuously with nothing to the contrary or in mitigation thereof, the following statement exactly as it appears below:

WARNING: This product may cause skin and eye irritation. Follow directions carefully.

Provided, however, That if competent and reliable controlled tests indicate that such product does not cause skin irritation, respondents shall substitute for the first sentence of the warning statement above, the following:

This product may cause eye irritation.

D. Using the words "permanent" and "perm" or words of similar import and meaning in the trade names Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and trade names of any similar product, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation;

Provided, however, That respondents may continue the use of such words on retail packages of the home use product until January 1, 1976 and on retail packages of the professional use product until April 1, 1976.

E. Failing to include clearly and conspicuously on an information panel of the retail product package, on the package insert, and on the label of the solution container of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and any similar product, with nothing to the contrary or in mitigation thereof, the following disclosures exactly as they appear below:

WARNING: 1. The hair culture solution may cause skin and eye irritation. Conduct a preliminary patch test according to enclosed instructions before using this product. Follow directions carefully.

2. Do not use if scalp is irritated or injured.

3. If the hair culture solution causes skin or scalp irritation, rinse out immediately. If irritation persists, consult a physician.

4. If the hair culture solution gets into eyes, rinse immediately. If irritation persists, consult a physician.

Provided, however, That if competent and reliable controlled tests indicate that such product does not cause skin irritation, respondents shall substitute for the first warning statement above, the following:

The hair culture solution may cause eye irritation. Follow directions carefully.

Respondents shall comply with Paragraph I.E. of this order by August 15, 1975, or by the date this order becomes effective, whichever shall occur first.

Provided, however, That respondents may use existing solution containers until exhausted or until April 1, 1976, whichever shall occur first.

F. Failing to include in the instructions for use of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and any similar product which, according to competent and reliable controlled tests, causes skin irritation, instructions for a skin patch test which enables the user to determine whether such product will irritate his or her skin.

II. *It is further ordered,* That respondents Lustrasilk Corporation of America, Inc., a corporation, its successors and assigns, and its officers, and D. C. Smith and Guenther Roth, individually and as officers of Lustrasilk Corporation of America, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit, or any cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any such product in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

III. *It is further ordered,* That respondents shall distribute a copy of this order to their present and future officers,

directors, and operating divisions and that respondents secure from each such person a signed statement acknowledging receipt of the order.

IV. *It is further ordered,* That respondents maintain complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after it is made.

V. *It is further ordered,* That the corporate respondent notify the Commission at least thirty days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, a change in corporate name or address, or any other change in the corporation which may affect compliance obligations arising out of this order.

VI. *It is further ordered,* That each individual respondent promptly notify the Commission of the discontinuance of his present business or employment and/or his affiliation with a new business or employment at any time within the next five years, or, if such new affiliation is with any business associated with the cosmetic industry, then such notice shall be promptly given whenever such new affiliation occurs. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VII. *It is further ordered,* That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 27, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4835 Filed 2-19-76; 8:45 am]

[Docket C-2785]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Perma-Strate Company, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service; § 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330-94 Users, in general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(k) Records, in

general. Subpart—Misrepresenting one-self and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; § 13.2100-5 Labeling. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of The Perma-Strate Company, a corporation; Jeannette Goldner, individually and as an officer of said corporation; Allyn S. Goldner, individually and as sole shareholder and chairman of the board of directors of said corporation; and Merrill Kremer, Inc., a corporation.

Consent order requiring a Memphis, Tenn., manufacturer of hair care cosmetics, among other things to cease misrepresenting that its hair conditioners are safe and from making other false claims; and further requiring the firm to include a health hazard warning in advertising and labeling for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

I. It is ordered, That respondents The Perma-Strate Company and Merrill Kremer, Inc., corporations, their successors and assigns, and their officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as chairman of the board of directors of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Perma Strate straightener or any cosmetic in or affecting commerce, as "cosmetic" and "commerce" are defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually or in any other manner, directly or by implication, that:

1. Any hair straightening product is safe, gentle or mild or its ingredients cannot or do not harm hair or skin.

2. Any hair straightening product may be used on bleached or tinted hair without risk of hair damage.

3. Beauticians use any such product or approve, recommend or endorse such product in any way, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable survey data, to support such representation.

4. Any such product is longer-lasting than any other product, unless at the time such representation is made respondents have a reasonable basis, consisting of competent and reliable tests or evidence, to support such representation.

B. Representing, in any manner, the safety or efficacy of any cosmetic, or the ingredients therein, unless at the time such representation is made respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation; or misrepresenting in any manner the nature of any such product or its ingredients or the effect of any such product or its ingredients on hair or skin or any other structure of the body.

C. Disseminating or causing to be disseminated any advertisement of Perma Strate straightener or any similar product which fails to disclose, clearly and conspicuously, with nothing to the contrary or in mitigation thereof, the following statement exactly as it appears below:

Warning: Follow directions carefully to avoid skin and scalp irritation, hair breakage and eye injury.

Provided, however, That Paragraph I of this order shall apply to respondent Merrill Kremer, Inc. only with respect to Perma Strate straightener and any cosmetic manufactured by respondent The Perma-Strate Company, and any hair straightening product or process.

II. It is further ordered, That respondents The Perma-Strate Company and Merrill Kremer, Inc., corporations, their successors and assigns, and their officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as director of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Perma Strate straightener or any cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

B. Disseminating or causing to be disseminated by any means, for the purpose

of inducing or which is likely to induce, directly or indirectly, the purchase of any such product in or having an effect on commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

Provided, however, That Paragraph II of this order shall apply to respondent Merrill Kremer, Inc. only with respect to Perma Strate straightener and any cosmetic manufactured by respondent The Perma-Strate Company, and any hair straightening product or process.

It is further ordered, That respondents The Perma-Strate Company, its successors, assigns and officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as director of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale, or distribution of Perma Strate Straightener or any similar product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from failing to include clearly and conspicuously on an information panel of the retail product package, on the package insert, and on the label of the straightener container of any such product, with nothing to the contrary or in mitigation thereof, the following disclosures exactly as they appear below:

Warning: 1. This product contains caustic ingredients. You must follow directions carefully to avoid skin and scalp burns, hair loss, and eye injury.

3. Do not use on bleached, dyed or tinted hair. If hair has been relaxed previously, apply only to new growth.

4. If the straightener causes skin or scalp irritation, rinse out immediately and neutralize with the shampoo in the kit. If irritation persists or if hair loss occurs, consult a physician.

5. If the straightener gets into eyes, rinse immediately and consult a physician.

Respondents shall comply with this provision by August 15, 1975 or by the effective date of this order, whichever shall occur first.

IV. It is further ordered, That respondents shall distribute a copy of this order to their present and future officers, directors, and operating divisions and that respondents secure from each such person a signed statement acknowledging receipt of this order.

V. It is further ordered, That respondents maintain complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after it is made.

VI. It is further ordered, That the corporate respondents notify the Com-

¹ Copies of the Complaint, Decision and Order, filed with the original document.

mission at least thirty days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, a change in corporate name or address, or any change in the corporations which may affect compliance obligations arising out of this order.

VII. *It is further ordered*, That each individual respondent promptly notify the Commission of the discontinuance of his or her present business or employment and/or his or her affiliation with a new business or employment. Such notice shall include the respondent's current address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties or responsibilities.

VIII. *It is further ordered*, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 27, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4848 Filed 2-19-76;8:45 am]

[Docket C-2557]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Union Carbide Corporation

Correction

In FR Doc. 76-3466 appearing on page 5272 of the issue for Thursday, February 5, 1976, the following corrections are made:

1. On page 5273, middle column line 24, after the word "or" and beginning with the word "AND", and continuing to line 60 thru the word "or", should be transferred to column 3 line 20, ending with the word "HEALTH." Text should be inserted to continue with word "representations" on line 20.

2. On page 5273, third column, line 1 "VI" should read: "IV."

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4849 Filed 2-19-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0067]

PART 310—NEW DRUGS

Radioactive New Drugs and Radioactive Biologics; Extension of Time for Continued Commercial Distribution

The Food and Drug Administration (FDA) is extending the time during which commercial distribution of certain radioactive drugs will be permitted pending completion of the review of new drug applications (NDA's) or "Notices of

Claimed Investigational Exemption for a New Drug" (IND's) submitted to FDA for such drugs.

In the FEDERAL REGISTER of November 3, 1971 (36 FR 21026), a regulation (21 CFR 130.49, subsequently redesignated § 310.503 (39 FR 11680, March 29, 1974)) was published that terminated the exemption from the investigational new drug requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and § 312.1 (21 CFR 312.1); the exemption had been provided for certain radioactive new drugs, including radioactive biological products. The drugs for which the exemption was terminated were those that contained specific reactor-produced radionuclides that the Nuclear Regulatory Commission (NRC, formerly the Atomic Energy Commission) concluded had well-established medical uses. It was concluded that applicants could reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling for drugs containing any of these radionuclides without conducting additional clinical studies. It was determined that such drugs should no longer be distributed under investigational use labeling when actually they were intended for use in medical practice.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 25, 1975 (40 FR 31298), a regulation terminating the exemption from the investigational new drug requirements for those radioactive new drugs manufactured from reactor-produced radionuclides, including radioactive biological products, that were not covered by the November 3, 1971 regulation. The July 25, 1975 regulation listed, consistent with the earlier regulation, additional radionuclides that NRC considered to have well-established medical uses and set forth the same policy announced in the November 3, 1971 regulation regarding the submission of adequate evidence of safety and effectiveness.

Many drugs containing the radionuclides listed in § 310.503 (c) and (f) were being marketed commercially in conformance with NRC's regulations before publication of FDA's July 25, 1975 regulation. To prevent any interruption in the availability of these already-marketed radioactive drugs, FDA's regulation permitted continued shipment of these drugs in interstate commerce until FDA issued a nonapprovable notice for a new drug application or application for a biological product license, or terminated a "Notice of Claimed Investigational Exemption for a New Drug", or the stated deadline of February 20, 1976, whichever occurred first.

When the July 25, 1975 regulation was published, it was impossible to predict how many applications would be received or what difficulties would arise in reviewing these or previous submissions. Thirty-one applications for drug products, including biological products, manufactured from reactor-produced radionuclides for which the exemption from the new drug requirements of the act has been terminated are in various stages of the review process. The Commissioner has determined that the

February 20, 1976 date will not allow sufficient time to complete the review of all of these applications. He is therefore amending § 310.503 (d) (3) and (f) (5) by extending the February 20, 1976 date to August 20, 1976.

The extended date is necessary solely to forestall an administrative burden within FDA. The Commissioner has concluded that it imposes no additional burden on the medical community or on marketers of these important radioactive drugs. Consequently, he finds good cause that notice and public procedure are not required for promulgation of this amendment, and that it shall be made effective February 20, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a))), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner is amending Part 310 in § 310.503 *Requirements regarding certain radioactive drugs*, by changing the date "February 20, 1976" in the last sentence of paragraphs (d) (3) and (f) (5) of the section to read "August 20, 1976".

Effective date. This regulation shall become effective February 20, 1976.

(Secs. 505, 701(a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a)); sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: February 17, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.76-4980 Filed 2-19-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such

preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21

U.S.C. 821 and 871(b)) and delegated to the Acting Administrator of the Drug Enforcement Administration by, and in accordance with, Regulations of the Department of Justice (Title 28 of the Code of Federal Regulations, Part O), the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending Section 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hyland Division Travenol Labs, Inc.	T-1	Vial: 20 ml.	Jan. 13, 1976
Do.	T-2	do.	Do.
Do.	T-3	Vial: 50 ml.	Do.
Do.	T-4	do.	Do.
Do.	T-5	do.	Do.
Do.	T-6	Vial: 20 ml.	Do.
Do.	T-7	do.	Do.
Do.	T-8	Vial: 50 ml.	Do.
Do.	T-9	do.	Do.
Do.	T-10	do.	Do.
Do.	T-11	Vial: 20 ml.	Do.
Do.	T-12	do.	Do.
Do.	T-14	Vial: 50 ml.	Do.
Do.	T-15	do.	Do.
Do.	T-16	Vial: 20 ml.	Do.
Do.	T-18	Vial: 50 ml.	Do.
Do.	T-20	do.	Do.
Do.	TC-1	Vial: 5 ml.	Do.
Do.	TC-2	do.	Do.
Gelman Instruments Co.	Drug Standard Set, No. 51910.	Set: 3 vials of 2 ml each.	Apr. 6, 1972
Do.	Drug Control Set, No. 51911.	Set: 3 vials of 50 ml each.	Do.
Do.	High Resolution, buffer-Tris Barbitol buffer, No. 51104.	Vial: 10 dr.	Dec. 22, 1971
Collaborative Research Inc.	Radioimmunoassay of Tetrahydrocannabinol.	Kit containing: Δ ⁹ -THC antiserum. H-Δ ⁹ -THC antigen. Assay buffer. Dextran coated charcoal. Δ ⁹ -THC standard. Normal rabbit serum.	Jan. 5, 1976
Do.	H-Δ ⁹ -THC Antigen.	Vial: 1 ml.	Do.
Do.	Δ ⁹ -THC Standard.	do.	Do.
Behring Diagnostics American Hoechst Corp.	Immuno-tec [®] II Agarose Plates.	Foil pouch: 5.35 by 5.25 in.	Jan. 16, 1976
Do.	IEP Buffer pH 8.2.	Foil pouch: 5.35 by 5.25 in, 6.5 g.	Do.

b. By amending Section 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Gelman Instruments Co.	Drug Standard Set, No. 51910.	Set: 3 vials of 2 ml each.	Apr. 6, 1972
Do.	Drug Control Set, No. 51911.	Set: 3 vials of 50 ml each.	Do.
Do.	High Resolution, buffer-Tris Barbitol buffer, No. 51104.	Vial: 10 dr.	Dec. 22, 1971
Do.	Beprachram drug System, No. 51920.	Chambers: 6 by 9 cm.	Sept. 6, 1972
Hyland Division Travenol Labs, Inc.	T-1	Vial: 20 ml.	Jan. 20, 1975
Do.	T-2	do.	Do.
Do.	T-3	Vial: 50 ml.	Do.
Do.	T-4	do.	Do.
Do.	T-5	do.	Do.
Do.	T-6	Vial: 20 ml.	Do.
Do.	T-7	do.	Do.
Do.	T-8	Vial: 50 ml.	Do.
Do.	T-9	do.	Do.
Do.	T-10	do.	Do.
Do.	T-11	Vial: 20 ml.	Do.
Do.	T-12	do.	Do.
Do.	T-13	Vial: 50 ml.	Do.
Do.	T-15	do.	Do.
Do.	T-16	Vial: 20 ml.	Do.
Do.	T-17	do.	Do.
Do.	T-18	Vial: 50 ml.	Do.
Do.	T-19	do.	Do.
Do.	T-20	do.	Do.
Do.	T-21	Vial: 20 ml.	July 11, 1974
Do.	T-22	do.	Do.
Do.	T-23	Vial: 50 ml.	Do.
Do.	T-24	do.	Do.
Do.	T-25	do.	Do.
Do.	T-27	Vial: 20 ml.	July 15, 1974
Do.	T-28	Vial: 50 ml.	Do.
Do.	T-29	do.	Do.
Do.	T-30	do.	Do.
Behring Diagnostics American Hoechst Corp.	Immuno-tec [®] II Agarose Plates.	Foil pouch: 5.35 by 5.25 in.	Nov. 29, 1975
Do.	IEP Buffer pH 8.2.	Foil pouch: 5.35 by 5.25 in, 6.5 g.	Sept. 24, 1975

Effective date. This order is effective February 20, 1976. Any person interested may file written comments on or objections to the order on or before April 19, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: February 9, 1976.

PETER B. BENSINGER,
Acting Administrator,
Drug Enforcement Administration.
[FR Doc.76-4717 Filed 2-19-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 640-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart B—Office of the Attorney General

THE ATTORNEY GENERAL'S ADVISORY COMMITTEE OF UNITED STATES ATTORNEYS

This order formally establishes the Attorney General's Advisory Committee of United States Attorneys. It recognizes that the United States Attorneys, as Presidential appointees having responsibilities mandated by Congress (28 U.S.C. 547) should be afforded an appropriate and formal means for contributing to the development of Department of Justice policies and procedures. The Committee will also aid in the improvement of liaison between Federal and State law enforcement officials, the promotion of greater consistency in the application of legal standards, and the improvement of the criminal justice system at all levels of government.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart B of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.10:

§ 0.10 Attorney General's Advisory Committee of United States Attorneys.

(a) The Attorney General's Advisory Committee of United States Attorneys shall consist of fifteen United States Attorneys, designated by the Attorney General. The membership shall be selected to represent the various geographic areas of the Nation and both large and small offices. Members shall serve at the pleasure of the Attorney General, but such service normally shall not exceed three years and shall be subject to adjustment by the Attorney General so as to assure the annual rotation of approximately one-third of the Committee's membership.

(b) The Committee shall make recommendations to the Attorney General and to the Deputy Attorney General concerning any matters which the Committee believes to be in the best interests of justice, including but not limited to the following:

(1) Establishing and modifying policies and procedures of the Department;
(2) Improving management, particularly with respect to the relationships between the Department and the United States Attorneys;

(3) Cooperating with State Attorneys General and other State and local officials for the purpose of improving the quality of justice in the United States;

(4) Promoting greater consistency in the application of legal standards throughout the Nation and at the various levels of government; and

(5) Aiding the Attorney General and the Deputy Attorney General in formulating new programs for improvement of the criminal justice system at all levels, including proposals relating to legislation and court rules.

(c) The Committee shall select from its membership a chairman, a vice-chairman and a secretary, and shall establish such subcommittees as it deems necessary to carry out its objectives. United States Attorneys who are not members of the Committee may be included in the membership of subcommittees.

(d) The Executive Office for United States Attorneys shall provide the Committee with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities.

Dated: February 13, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-4841 Filed 2-19-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

An Interpretive Bulletin

In order to provide a concise and ready reference to its interpretations of the provisions of Title I of the Employee Retirement Income Security Act of 1974, the Department of Labor is publishing its interpretive bulletins in the Rules and Regulations section of the FEDERAL REGISTER.

Published in this issue of the FEDERAL REGISTER is ERISA IB 76-2, which rescinds the guidelines on seasonal industries.

The guidelines on seasonal industries were issued to provide guidance for determining whether a plan covers employees in a seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year.

Because the requirements for employees in seasonal industries (sections 202(a) (3) (B), 203(b) (2) (C) and 204(b) (3) (D) of Title I and the counterpart provisions of Title II) are phrased in terms of a particular kind of industry, whereas the participation and vesting provisions of the Act focus generally on plans, the special provisions for seasonal industries depart from the general scheme of the Act. In an effort to meld the special provisions for seasonal industries into the general participation, vesting and accrual provisions, the guidelines on seasonal industries use a plan as the appropriate benchmark for determining whether employees are covered by a plan in a seasonal industry.

After consideration of a number of alternatives, the Department put forth the objective test of IB 76-1. This test would give a conclusive answer to the seasonality question for many plans, with limited grounds for challenge. In addition, this approach allows extension of seasonal industry treatment to a broad range of employees without the time-consuming fact-gathering and determination process that is a feature of, for example, the approach to defining seasonal industries under section 7 of the Fair Labor Standards Act of 1938, as amended. See 29 CFR Part 526.

Since the issuance of IB 76-1, a number of comments have been received by the Department of Labor pointing out that the guidelines included in the definition of seasonality a significant number of plans in industries which would be generally recognized as non-seasonal. The comments stressed the adverse economic impact upon plans in these affected industries and requested that the guidelines be either withdrawn or held in abeyance until additional guidelines or a regulation are issued. The Department has determined that these criticisms have merit, and is therefore rescinding the guidelines on seasonal industries.

Copies of this interpretive bulletin may be obtained from the Office of Employee Benefits Security Information Office, Room N-4510, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Sec. 2509-76-2 Interpretive Bulletin Rescinding Guidelines on Seasonal Industries.

AUTHORITY: Secs. 202(a) (3) (B), 203(b) (2) (C), 204(b) (3) (D) and 505, Employee Retirement Income Security Act of 1974.

§ 2509.76-2 Interpretive bulletin rescinding guidelines on seasonal industries.

The Department of Labor has determined that the guidelines on seasonal industries, ERISA IB 76-1 published at 41 FR 3290 on January 22, 1976, should be rescinded. The Department will issue guidelines or a regulation on seasonal industries in the future.

In consideration of the foregoing, the guidelines on seasonal industries published in the FEDERAL REGISTER at 41 FR

3290 on January 22, 1976, and issued as ERISA IB 76-1 are hereby rescinded.

Signed at Washington, D.C. this 13th day of February, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension
and Welfare Benefit Programs.

[FR Doc.76-4728 Filed 2-19-76;8:45 am]

Title 40—Protection of Environment

[FRL 492-3]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of Oregon

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of Oregon on November 10, 1975, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published today at 41 FR 7750 in the FEDERAL REGISTER. The amended § 60.4 which adds the address of the State of Oregon Department of Environmental Quality to which all reports, requests, applications, submittals, and communications pursuant to this part must be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 10, 1975 and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: February 11, 1976.

STANLEY W. LEGRO,
Assistant Administrator for
Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (MM) to read as follows:

§ 60.4 Address.

(b) * * *
(A) — (LL) * * *
(MM) — State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

[FR Doc.76-4964 Filed 2-19-76;8:45 am]

[FRL 492-4]

SUBCHAPTER C—AIR PROGRAMS

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Oregon

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of Oregon on November 10, 1975, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A Notice announcing this delegation is published today at 41 FR 7749 in the *FEDERAL REGISTER*. The amended § 61.04, which adds the address of Oregon Department of Environmental Quality to which all reports, requests, applications, submittals, and communications pursuant to this part must be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 10, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.

Dated: February 11, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph (MM) to read as follows:

§ 61.04 *Address*.

(b) * * *

(A)—(L) * * *

(MM)—State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

[FR Doc. 76-4963 Filed 2-19-76; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Fees for Events

Section 105-61.304 is amended to permit charging admission fees at events held using NARS facilities.

Section 105-61.304-2(d) is revised to read as follows:

§ 105-61.304-2 *Application for use*.

(d) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken except as specifically authorized by the Archivist of the United States for special nonprofit-making events which are held by organizations sponsored by the National Archives and Records Service. Commercial advertising or the sale of articles is not permitted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective February 20, 1976.

Dated: February 10, 1976.

JACK ECKERD,
Administrator of General Services.
[FR Doc. 76-4838 Filed 2-19-76; 8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1005—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

Final Regulations; Correction

CSA's final Freedom of Information Act regulations published in the *FEDERAL REGISTER* at 40 FR 45820 on October 3, 1975 are corrected by changing "24 x 6" in § 1005.8(f)(1) to "24 x."

Dated: February 12, 1976.

H. RODGER BETTS,
General Counsel.

[FR Doc. 76-4834 Filed 2-19-76; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-132]

PART 0—COMMISSION ORGANIZATION

Order

In the matter of amendment of Part 0 of the Commission's Rules with respect to functions of the Common Carrier Bureau and the Office of the Chief Engineer.

1. In the First Report and Order in Docket No. 19528 (56 F.C.C. 2d 593, released November 7, 1975), the Commission established a registration program designed to allow users of the nationwide telephone network to connect terminal equipment to the network without the need for carrier-supplied connecting arrangements, provided they comply with the standards incorporated in the registration program to protect the network from harm. It now appears appropriate to amend §§ 0.35, 0.91 and 0.241 of the Commission's Rules and to add a new Section 0.309 to update the functions of the Common Carrier Bureau and the Office of the Chief Engineer to include acting on applications for registration of

equipment to be directly connected to the telephone network.

2. Authority for the adoption of this Order is contained in Section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practices, and procedure, and because the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 USC 553, is not required.

3. Accordingly, IT IS ORDERED that §§ 0.35, 0.91 and 0.241 of the Commission's Rules are amended and a new § 0.309 is added as set forth in the Appendix effective March 1, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1068, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 11, 1976.

Released: February 13, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

The Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) are amended as follows:

1. Section 0.35 is amended to read as follows:

§ 0.35 *Laboratory Division*.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participates in various intergovernmental, national and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; acts on applications for type approval and makes tests on equipment including those equipments under Parts 15, 18, 73, 81, 83 and 95 of this chapter requiring type approval; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; acts on applications for type certification of equipment and issues lists of certified equipment; acts on applications for advance approval of subscription television technical systems and issues lists of approved subscription television technical systems; conducts technical studies of equipment design and performance, provides information and comments on test procedures and test results to assist in the evaluation of material supporting certifications; conducts special tests of equipments in connection with the certification and type acceptance pro-

grams; designs, develops and constructs equipment for use in connection with other Commission activities; standardizes and calibrates equipment and installations for other Commission activities and makes tests of radio devices for other Government departments and agencies; jointly in cooperation with the Chief, Common Carrier Bureau, acts on applications for registration of equipment to be directly connected to the telephone network and issues registration authorizations upon obtaining the concurrence of the Chief, Common Carrier Bureau, and issues lists of equipment registered for direct connection to the telephone network.

2. In § 0.91 paragraph (i) is added to read as follows:

§ 0.91 Functions of the Bureau.

(i) Acts jointly with the Office of Chief Engineer on applications for registration of equipment to be directly connected to the telephone network, and acts on complaints brought by any party concerning the registration or operation of such equipment.

3. In § 0.241, (a) (4) is added to read as follows:

§ 0.241 Authority delegated to the Chief Engineer.

(a) * * *

(3) * * *

(4) Examines all applications for registration of equipment as acceptable for direct connection to the telephone network jointly in cooperation with the Chief, Common Carrier Bureau; upon obtaining the concurrence of the Chief, Common Carrier Bureau, issues registration authorizations and issues a list of equipment registered as acceptable for direct connection to the telephone network.

4. A new § 0.309 is added to read as follows:

§ 0.309 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Common Carrier Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *provided, however*, that the Chief, Common Carrier Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer. (For record of actions taken under this section, see 0.247).

[FR Doc.76-4869 Filed 2-19-76; 8:45 am]

Title 7—Agriculture
CHAPTER I—AGRICULTURAL
MARKETING SERVICE

PART 102—GRAIN WAREHOUSES

Safflower Seed, Triticale, and Millet Added to Definition of Grain for Licensing Under United States Warehouse Act

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Part 102 (grain) of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to add certain commodities to the definition of grain. These commodities are safflower seed, triticale, and millet.

The regulations for grain warehousemen issued under the U.S. Warehouse Act define "grain" as all products commonly classed as grain and list 14 kinds of grain coming under that definition. The definition also includes such other products as are ordinarily stored in grain warehouses, subject to the disapproval of the Administrator.

Safflower seed, triticale, and millet are ordinarily stored in grain warehouses. There are no reasons why they should be disapproved by the Administrator under the definition of grain.

This change is an official recognition of the inclusion of these commodities under the definition of grain. It is also in response to four specific requests from warehousemen to store safflower seed under the Act.

The official U.S. Standards for Grain now uses the term "sorghum" rather than "grain sorghum." Therefore, the definition used in the regulations under the U.S. Warehouse Act is being changed to make it consistent with the U.S. Standards for Grain.

Said regulation therefore is amended to read:

§ 102.2 Terms defined.

(J) *Grain*. All products commonly classed as grain such as wheat, corn, oats, barley, rye, flaxseed, rough, brown, and milled rice, sunflower seeds, field peas, soybeans, emmer, sorghum, safflower seed, triticale, millet and such other products as are ordinarily stored in grain warehouses, subject to the disapproval of the Administrator.

No prior notices or public procedures are being given as the changes do not add additional restrictions, and there is little or no likelihood of any objections to them. Prior notice would be unnecessary and contrary to the public interest.

This amendment shall become effective upon February 20, 1976.

Done at Washington, D.C., February 17, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-4922 Filed 2-19-76; 8:45 am]

CHAPTER II—FOOD AND NUTRITION
SERVICE, DEPARTMENT OF AGRICULTURE

[AMENDMENT NO. 77]

PART 271—PARTICIPATION OF STATE
AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

The regulations governing the operation of the Food Stamp Program are hereby amended to extend the 12-month time period limitation to 18 months for the distribution of donated foods on Indian reservations in the process of transition to the Food Stamp Program.

In recognition of the unique problems incurred by Indian reservations in the process of converting from the Food Distribution Program to the Food Stamp Program, the Department published regulations on September 16, 1974 authorizing simultaneous operation of both programs for up to 12 months in order to effect an orderly transition to the Food Stamp Program. It has now become apparent that additional time is needed to resolve special problems on several reservations. Therefore, the Department is amending the Food Stamp Program Regulations to allow up to an 18-month time period for Reservations which are in transition to the Food Stamp Program to continue, if necessary, the distribution of federally donated foods.

Although it is the policy of the Department to give 30 days' notice for comments on amendments to the regulations, to delay publication would be contrary to the interest of the reservations and States. Therefore, the amendment is published as a final rule.

§ 271.1 [Amended]

Accordingly, § 271.1, paragraph (a) (3) is amended by deleting the words "12 months" wherever they appear in the paragraph and inserting in lieu thereof the words "18 months."

Effective date: November 30, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

Dated: February 13, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-4799 Filed 2-19-76; 8:45 am]

PART 226—CHILD CARE FOOD PROGRAM

Apportionment of Child-Care Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1976

Pursuant to section 17, of the National School Lunch Act, as amended by Public Law 94-105, child-care nonfood assistance funds available for the fiscal year ending June 30, 1976, are apportioned among the States as follows:

State	Total apportionment
Alabama	\$91,561
Alaska	3,186
Arizona	37,026
Arkansas	56,285
California	229,792
Colorado	26,808

RULES AND REGULATIONS

State	Total apportionment
Connecticut	17,192
Delaware	4,937
District of Columbia	16,331
Florida	103,530
Georgia	96,526
Guam	1,651
Hawaii	12,514
Idaho	4,650
Illinois	119,575
Indiana	51,033
Iowa	28,559
Kansas	27,095
Kentucky	86,308
Louisiana	87,198
Maine	17,767
Maryland	42,278
Massachusetts	42,853
Michigan	97,674
Minnesota	31,773
Mississippi	88,633
Missouri	77,554
Montana	11,653
Nebraska	18,054
Nevada	6,400
New Hampshire	10,189
New Jersey	53,932
New Mexico	28,559
New York	181,974
North Carolina	110,820
North Dakota	13,117
Ohio	107,892
Oklahoma	48,105
Oregon	15,155
Pennsylvania	130,338
Puerto Rico	122,795
Rhode Island	9,328
Samoa, American	2,232
South Carolina	79,908
South Dakota	18,944
Tennessee	86,595
Texas	221,641
Trust Territory	1,419
Utah	13,978
Vermont	5,539
Virginia	80,195
Virgin Islands	2,322
Washington	30,310
West Virginia	36,739
Wisconsin	44,891
Wyoming	6,687
Total	3,000,000

(Sec. 16, Pub. L. 94-105, 89 Stat. 522 (42 U.S.C. 1766))

Dated: February 13, 1976.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.76-4860 Filed 2-19-76;8:45 am]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1976

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1976, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	\$2,169,198	\$2,123,262	\$45,936
Alaska	35,728	35,728	
Arizona	257,241	257,241	
Arkansas	1,136,150	1,033,276	42,874
California	7,301,774	7,301,774	
Colorado	929,948	856,450	73,498
Connecticut	1,778,232	1,778,232	
Delaware	285,824	285,824	
District of Columbia	146,995	146,995	
Florida	1,379,099	1,379,099	
Georgia	2,599,975	2,546,893	53,082
Hawaii	139,849	116,371	23,478
Idaho	118,413	118,413	
Illinois	6,758,710	6,758,710	
Indiana	2,723,491	2,723,491	
Iowa	1,336,226	1,336,226	
Kansas	965,279	965,279	
Kentucky	2,390,711	2,390,711	
Louisiana	835,014	835,014	
Maine	960,287	670,665	79,622
Maryland	2,525,456	2,525,456	
Massachusetts	3,561,567	3,561,567	
Michigan	4,944,750	4,944,750	
Minnesota	2,400,919	2,400,919	
Mississippi	966,300	966,300	
Missouri	2,017,099	1,935,435	81,664
Montana	204,160	169,453	34,707
Nebraska	616,562	526,732	89,830
Nevada	110,246	90,246	20,000
New Hampshire	644,124	644,124	
New Jersey	4,006,636	4,006,636	
New Mexico	741,100	327,676	413,424
New York	8,967,718	8,967,718	
North Carolina	4,839,608	4,839,608	
North Dakota	289,907	258,262	31,645
Ohio	7,795,841	7,121,063	674,778
Oklahoma	955,468	955,468	
Oregon	835,013	805,410	29,603
Pennsylvania	3,551,359	3,551,359	
Rhode Island	489,983	489,983	
South Carolina	1,131,046	1,047,340	83,706
South Dakota	308,281	308,281	
Tennessee	3,131,811	3,052,189	79,622
Texas	4,478,245	4,278,168	200,077
Utah	198,035	198,035	
Vermont	407,299	407,299	
Virginia	2,286,589	2,141,636	144,953
Washington	1,471,992	1,202,501	269,491
West Virginia	483,859	483,859	
Wisconsin	3,561,567	3,561,567	
Wyoming	59,206	59,206	
Total	102,079,890	99,607,930	2,471,960

The remainder of the \$144,000,000 appropriated is distributed as follows: \$889,000 for administrative expenses; \$1,031,110 in reserve to meet unforeseen contingencies; and \$40,000,000 is rescinded.

(Secs. 2, 3, 6 and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785.)

Dated: February 13, 1976.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.76-4861 Filed 2-19-76;8:45 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1976

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Public

Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1976, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	\$351,823	\$320,075	\$31,748
Alaska	26,552	26,552	
Arizona	197,514	197,514	
Arkansas	187,781	178,805	8,976
California	2,018,217	2,018,217	
Colorado	214,887	183,387	31,500
Connecticut	311,551	311,551	
Delaware	55,177	55,177	
District of Columbia	62,220	62,220	
Florida	700,476	700,476	
Georgia	511,528	511,528	
Guam	11,564	11,564	
Hawaii	97,594	78,601	18,993
Idaho	73,373	73,373	
Illinois	1,264,638	1,264,638	
Indiana	490,656	490,656	
Iowa	280,792	280,792	
Kansas	97,198	205,198	
Kentucky	329,478	329,478	
Louisiana	497,704	497,704	
Maine	112,288	97,127	15,161
Maryland	310,691	310,691	
Massachusetts	574,504	574,504	
Michigan	899,729	899,729	
Minnesota	399,237	399,237	
Mississippi	268,699	268,699	
Missouri	393,131	393,131	
Montana	84,700	77,523	7,177
Nebraska	161,140	134,404	26,736
Nevada	39,246	39,246	
New Hampshire	88,660	88,660	
New Jersey	1,104,204	1,104,204	
New Mexico	108,162	108,162	
New York	1,413,360	1,413,360	
North Carolina	550,435	550,435	
North Dakota	63,740	56,888	6,852
Ohio	903,182	706,038	197,144
Oklahoma	204,261	204,261	
Oregon	184,094	184,094	
Pennsylvania	1,245,829	1,245,829	
Puerto Rico	297,600	297,600	
Rhode Island	66,299	66,299	
Samoa, American	4,000	4,000	
South Carolina	283,845	270,832	13,013
South Dakota	68,341	68,341	
Tennessee	342,149	333,464	8,685
Texas	940,699	854,615	86,084
Trust Territory	42,383	42,383	
Utah	117,684	117,684	
Vermont	48,068	48,068	
Virginia	421,391	390,049	31,342
Virgin Islands	15,157	15,157	
Washington	292,302	216,854	75,448
West Virginia	156,361	156,361	
Wisconsin	457,568	457,568	
Wyoming	37,174	37,174	
Total	20,650,000	20,091,146	558,854

Pursuant to Sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1976, are apportioned among the States as follows:

Sec. 5 (b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	\$325,467	\$319,944	\$5,523
Alaska	18,476	18,476	
Arizona	126,013	126,013	
Arkansas	181,289	178,122	3,167
California	789,794	789,794	
Colorado	154,908	150,508	4,400
Connecticut	120,666	120,666	
Delaware	42,835	42,835	
District of Columbia	88,735	88,735	
Florida	534,879	534,879	
Georgia	510,206	510,206	
Hawaii	10,361	10,361	
Idaho	83,061	78,061	4,400
Illinois	55,063	55,063	
Indiana	560,966	560,966	
Iowa	376,868	376,868	
Kansas	256,568	256,568	
Kentucky	173,137	173,137	
Louisiana	317,881	317,881	
Maine	417,675	417,675	
Maryland	70,828	67,053	3,775
Massachusetts	199,728	199,728	
Michigan	305,290	305,290	
Minnesota	307,332	307,332	
Mississippi	331,840	331,840	
Missouri	242,710	242,710	
Montana	339,264	339,264	
Nebraska	43,939	42,567	1,372
Nevada	108,685	98,144	10,541
New Hampshire	22,464	22,464	
New Jersey	43,141	43,141	
New Mexico	299,589	299,589	
New York	96,758	96,758	
North Carolina	880,398	880,398	
North Dakota	512,404	512,404	
Ohio	53,243	48,588	4,655
Oklahoma	631,940	595,597	36,343
Oregon	201,238	201,238	
Pennsylvania	134,556	134,556	
Puerto Rico	672,942	672,942	
Rhode Island	234,770	234,770	
Samoa, American	41,935	41,935	
South Carolina	4,714	4,714	
South Dakota	273,085	270,832	2,253
Tennessee	57,904	57,904	
Texas	336,383	331,943	4,440
Trust Territory	851,020	835,103	15,917
Utah	35,591	35,591	
Vermont	111,902	111,902	
Virginia	31,008	31,008	
Virgin Islands	393,937	390,049	3,888
Washington	12,496	12,496	
West Virginia	178,244	175,887	2,357
Wisconsin	135,944	135,944	
Wyoming	271,235	271,235	
Total	13,766,667	13,663,046	103,621

Sec. 5 (e)

State	Total apportionment	State agency	Withheld for private schools
Alabama	\$20,356	\$131	\$20,225
Alaska	8,076	8,076	
Arizona	71,501	71,501	
Arkansas	6,492	683	5,809
California	1,228,423	1,228,423	
Colorado	59,979	32,879	27,100
Connecticut	190,885	190,885	
Delaware	12,842	12,842	
District of Col.	23,485	23,485	
Florida	225,597	225,597	
Georgia	1,232	1,232	
Hawaii	1,203	1,203	
Idaho	14,503	14,503	
Illinois	18,320	18,320	
Indiana	708,672	708,672	
Iowa	113,788	113,788	
Kansas	24,224	24,224	
Kentucky	32,061	32,061	
Louisiana	11,597	11,597	
Maine	80,029	80,029	
Maryland	41,455	30,074	11,381
Massachusetts	110,963	110,963	
Michigan	179,205	179,205	
Minnesota	502,397	502,397	
Mississippi	67,397	67,397	
Missouri	25,989	25,989	
Montana	53,867	53,867	
Nebraska	40,781	34,956	5,825
Nevada	52,455	36,260	16,195
Nevada	16,782	16,782	

Sec. 5 (e)—Continued

State	Total apportionment	State agency	Withheld for private schools
New Hampshire	45,519	45,519	
New Jersey	804,615	804,615	
New Mexico	11,404	11,404	
New York	532,962	532,962	
North Carolina	38,031	38,031	
North Dakota	10,497	8,300	2,197
Ohio	271,242	110,441	160,801
Oklahoma	3,023	3,023	
Oregon	49,438	49,438	
Pennsylvania	572,887	572,887	
Puerto Rico	62,890	62,890	
Rhode Island	24,364	24,364	
Samoa, American	195	195	
South Carolina	10,760	10,760	
South Dakota	10,437	10,437	
Tennessee	5,766	1,521	4,245
Texas	89,679	19,512	70,167
Trust Territory	6,792	6,792	
Utah	5,782	5,782	
Vermont	17,060	17,060	
Virginia	27,454	27,454	
Virgin Islands	2,661	2,661	
Washington	114,058	41,467	72,591
West Virginia	20,417	20,417	
Wisconsin	186,333	186,333	
Wyoming	14,031	14,031	
Total	6,883,333	6,428,100	455,233

(Secs. 2, 5, 6 and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785.)

Dated: February 13, 1976.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.76-4862 Filed 2-19-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE, DE-
PARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE
NOTICES

Pink Bollworm; Miscellaneous
Amendments to Regulated Areas

● Purpose: To amend list of Federal Pink Bollworm Quarantine regulated areas (7 CFR 301.52-2a). ●

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Pink Bollworm Quarantine by adding to the list of suppressive areas in Arkansas all of the previously nonregulated county of Washington and by extending the previously regulated area in Mississippi County.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.52-2 of the Pink Bollworm Quarantine regulations, 7 CFR 301.52-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.52-2a, is hereby amended as set forth below:

In § 301.52-2a relating to the State of Arkansas under suppressive area, Mississippi County is redescribed and Washington County is added in alphabetical order as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

ARKANSAS

- (1) Generally infested area. None.
- (2) Suppressive area.

Mississippi County. That portion of the county lying north of State Highway 118, east of State Highway 77, south of State Highway 158, and west of the Mississippi River.

Washington County. The entire county.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.52-2.)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the pink bollworm has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed above as regulated areas, or that it is necessary to regulate such areas because of their proximity to pink bollworm infestation or their inseparability for quarantine enforcement purposes from pink bollworm infested localities. The Deputy Administrator has determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.52-1, as amended.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on intrastate movement of the regulated articles which are substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm. Therefore, such civil divisions and parts of civil divisions listed above are designated as pink bollworm regulated areas.

This document imposes restrictions that are necessary in order to prevent the spread of the pink bollworm and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: February 20, 1976.

Done at Washington, D.C., this 13th day of February, 1976.

T. G. DARLING,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc.76-4798 Filed 2-19-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 905—HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Growers Advisory Committee

This document reapportions the representation on the Growers Administrative Committee by amending § 905.126 *Changes in district representation* (Subpart—Rules and Regulations; 7 CFR 905.120 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Marketing Order No. 905 (7 CFR Part 905), as amended, hereinafter referred to collectively as "the order." The order regulates the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The production area is geographically divided into five districts for purposes of representation on the Growers Administrative Committee, the administrative agency established under the order. Each district is presently represented by two members except District 4, which has one member. The amendment would change such representation by adding one member for District 4 and reducing, by one member, the representation for District 2. This reapportionment of committee representation is based on changes in the average percent of acreage, production, and shipments of regulated fruits during the preceding five-year period.

Notice was published in the January 14, 1976, issue of the *FEDERAL REGISTER* (41 FR 2091) that the Department was giving consideration to the aforesaid proposal to amend the rules and regulations. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than January 30, 1976. No such material was received.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, which was submitted by the Growers Administrative Committee, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations will maintain equitable representation, is in accordance with the provisions of the order, and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the *FEDERAL REGISTER* on January 14, 1976 (41 FR 2091), and no objection to this amendment was received; and (2) the order requires that any reapportionment of representation be announced on or before March 1 of the then current fiscal year.

Accordingly, paragraphs (b) and (d) of § 905.126 are revised to read as follows:

§ 905.126 Changes in district representation.

The representation or membership on the Growers Administrative Committee is changed to provide for:

- (a) * * *
- (b) One (1) member and his alternate shall be producers of citrus in District 2;
- (c) * * *
- (d) Two (2) members and their respective alternates shall be producers of citrus in District 4; and
- (e) * * *

Dated, February 12, 1976, to become February 23, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-4856 Filed 2-19-76; 8:45 am]

[Lemon Reg. 27]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 22-28, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.327 Lemon Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from considera-

tion of the factors enumerated in the order. The committee further reports the demand for lemons is improved this week. Average f.o.b. price was \$5.13 per carton the week ended February 14, 1976, compared to \$5.04 per carton the previous week. Track and rolling supplies at 165 cars were up 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 22, 1976, through February 28, 1976, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 18, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-5134 Filed 2-19-76; 11:36 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1427—COTTON

Specifications for Bale Packaging Materials

On December 31, 1975, Commodity Credit Corporation (CCC) published in the Federal Register (40 F.R. 60073) a notice that the specifications for bale packaging materials used for cotton tendered to CCC under its price support program for lint cotton (40 F.R. 16647—April 14, 1975) were being reviewed for 1976. The notice stated that consideration was being given to amending the specifications as recommended by the Cotton Industry Bale Packaging Committee at its meeting on December 4, 1975.

After consideration of all responses to the notice and recommendations made by the Cotton Industry Bale Packaging Committee, it has been determined that detailed specifications should be continued for the 1976 crop of cotton, and amended to include woven polypropylene for use on all types of cotton bales and spiral sewn bags manufactured from new burlap and/or polypropylene for use on gin standard and gin universal density bales; to increase the weight and dimension requirements for woven and knitted cotton bagging and to increase the length of polyethylene panels used in 50 inch by 20 inch gin universal density presses; to include the use of polyethylene which meets all other specifications in a half-bag panel combination on gin standard and gin universal density bales; and to include test methods for woven polypropylene bagging. Accordingly, the Specifications for Bagging and Bale Ties Used in Wrapping Cotton published in 40 F.R. 16647 are hereby retitled "Specifications for Bale Packaging Materials Used in Wrapping Cotton" and revised to read as shown below.

The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable.

- Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c)); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421).

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the specifications applicable to bale packaging materials for packaging the 1976 and subsequent crops of cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however*, That all bales of cotton packaged and identified with the testing programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council of America will be exempt from the provisions of this subpart, and any bale packaging mate-

rials carried over from 1975 which were eligible for packaging 1975-crop loan cotton also may be used to package 1976-crop cotton pledged for loans.

§ 1427.1902 Specifications for bale ties and buckles.

Any fixed length bale ties used on flat bales shall not exceed 10 feet 3 inches in length, excluding overlap. All ties and buckles or fasteners must be coated or finished with a rust inhibitor.

(a) *General requirements*—(1) *Number of ties required*.

(i) Flat bales (bales having densities of less than 20 pounds) must have not less than 6 ties.

(ii) Standard density bales (bales having densities of at least 20 pounds, but less than 28 pounds per cubic foot) must have not less than 8 ties.

(iii) Universal density bales (bales having densities of 28 pounds or more per cubic foot) must have not less than 8 ties.

(2) *Flat bales packaged with nonreusable ties*. Except for bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless the producer has prepaid any warehouse charge for furnishing new bale ties. If the bale is stored at a warehouse not having compress facilities and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed, and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

(b) *Conventional hot rolled steel ties and buckles*. The total weight of bale ties and buckles to tie each bale of cotton shall be not less than 8½ pounds.

(c) *Cold rolled high tensile steel strapping*. The supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(1) *For use on flat bales and standard density and universal density bales compressed at a warehouse*. The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds with a joint strength of not less than 2,040 pounds.

(2) *For use on gin standard density and gin universal density bales*. The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton, and minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,720 pounds for gin standard density bales or 4,000 pounds with a joint strength of not less than 3,400 pounds for gin universal density bales.

(d) *Wire ties*. (1) *For use on flat bales and bales compressed to standard den-*

sity and universal density at a warehouse. The ties shall not be smaller than 10-gauge or 0.135 inch diameter wire with a plus or minus tolerance of 1 percent. When used on flat bales, and on bales compressed to standard density and universal density with the joints placed on the tops of the bales, the breaking strength of wire must not be less than 2,850 pounds with a joint strength of not less than 1,850 pounds. If the joints are placed on the sides of bales compressed to standard density and universal density, the breaking strength of the wire must not be less than 2,850 pounds with a joint strength of not less than 2,565 pounds. The elongation of the wire shall not exceed 4 percent in 10 inches. There must be a minimum weight of 3 pounds per bale.

(2) *For use on gin standard density and gin universal density bales*. The ties shall be 9-gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The breaking strength of the wire must not be less than 3,400 pounds with a joint strength of not less than 2,100 pounds with the joints placed on the tops of the bales. If the joints are placed on the sides of the bales, the breaking strength of the wire must not be less than 3,200 pounds with a joint strength of not less than 3,040 pounds. There must be a minimum weight of 4 pounds per bale.

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags, polyethylene half-bag panel combinations, or spiral sewn bags of burlap and/or polypropylene are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales*. Each one-half pattern (panel) of new jute bagging must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales*. Each one-half pattern (panel) must not be less than 96 inches or more than 100 inches in length for gin universal density bales and not less than 100 inches or more than 102 inches for gin standard density bales and must not be less than 40 inches or more than 48

inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging, and must weigh not less than $7\frac{1}{2}$ and not more than $8\frac{3}{4}$ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain): *Provided*, That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than $8\frac{3}{4}$ and not more than $11\frac{1}{4}$ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Salvage jute (burlap) bagging.* (1) *General requirements.* The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. Each one-half pattern (panel) must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than $3\frac{1}{2}$ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than $\frac{3}{8}$ inch stitching.

(2) *To wrap flat bales.* Each one-half pattern (panel) must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must weigh not less than $11\frac{1}{4}$ and not more than $13\frac{1}{4}$ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(3) *To wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must weigh not less than $7\frac{1}{2}$ and not more than $11\frac{1}{4}$ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(d) *Spiral sewn burlap bags used to wrap gin standard and gin universal density bales.* (1) *Material.* Bags must be spiral sewn from new burlap which is not less than 60 inches wide before sewing and weighs not less than 13.25 ounces per linear yard, (this corresponds to burlap weighing 8.9 ounces per 40-inch width). The material must have a true selvege on each side. Spiral sewn bags

made from split burlap with raw edges will not be acceptable.

(2) *Bag size.* The bag size must be tailored to individual bale size at each gin location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(3) *Seams.* Seams must be sewn in accordance with standard government specifications for sewing flat burlap, which are as follows: Type SSA-1 seam, type 401 stitch, minimum four stitches per inch, and $\frac{1}{2}$ or $\frac{3}{4}$ cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of subparagraph (g) (iii) of this section, with breaking strength of 5.0 grams per denier.

(e) *Cotton bagging.* (1) *General requirements.* Bagging made from 100 percent cotton may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and on gin standard density and gin universal density bales stored in all States. The bagging must weigh not less than 7.7 ounces per square yard with a minimum weight of 4 pounds per pattern for flat bales, 3.1 pounds for gin standard density bales, and 3 pounds for gin universal density bales, at 8.5 percent moisture content (not moisture regain). Each panel of bagging must not be less than 48 inches in width, and 112 inches in length for flat bales, 100 inches in length and 42 inches in width for gin standard density bales and 96 inches in length and 42 inches in width for gin universal density bales. Each panel must be constructed with true selvages on each side.

(2) *Woven.* The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, and must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging.

(3) *Warp knitted.* The bagging must be constructed with not less than two guide bars. The bagging must contain not less than 5 wales per inch and not less than six courses per inch. All yarns (plied or single) must be form connected with each other. The bagging must have stabilized construction with elongation or stretch not less than 15 percent or more than 30 percent. Variation in tensile strength in wale and course direction must not exceed 20 percent. The bagging must have a minimum bursting strength of 75 pounds.

(f) *Polyethylene used to wrap gin standard density and gin universal density bales.* (1) *General requirements.* (i) *Density.* Low density virgin polyethylene.

(ii) *Color.* The bagging must be clear.

(iii) *Gauge.* The gauge shall be not less than 8 mil.

(iv) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a sheet or bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus

or minus 3 percent from the nominal yield.

(v) *Tensile strength.* For machine (length) direction, not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(vi) *Elongation.* For both machine (length) and transverse (cross) direction, not less than 400 percent.

(vii) *Impact resistance.* Not less than 450 grams.

(viii) *Slip characteristics.* Bagging must be low slip (coefficient of friction not less than .50) with no anti-block or slip additive included.

(ix) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag or sheet on head of bale and head welded to the cover or some other suitable reinforcing material must be bonded to the bag or sheet.

(x) *Tare weight.* Tare weight shall be not less than 2 pounds per pattern or shrink-pack bag.

(xi) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(2) *Additional requirements for polyethylene panels.* Each panel used to wrap gin standard density bales shall be not less than 100 inches in length by 46 inches in width. Each panel used to wrap gin universal density bales shall be not less than 96 inches in length by 42 inches in width when used on 54 inch by 20 inch presses and not less than 96 inches in length by 44 inches in width when used on 50 inch by 20 inch presses. Guide marks shall be imprinted on panels in order that press may be dressed properly.

(3) *Additional requirements for polyethylene shrink-pack bags.* Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses. The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

(4) *Additional requirements for polyethylene used in half-bag panel combinations.* (i) *Gin universal presses.* (a) For 54 inch by 20 inch presses, each half-bag shall be not less than 54 inches by 21 inches by 32 inches and each panel shall be not less than 40 inches in width and 98 inches in length. (b) For 50 inch by 20 inch presses, each half-bag shall be not less than 51 inches by 21 inches by 34 inches and each panel shall be not less than 40 inches in width and 96 inches in length.

(ii) *Gin standard presses.* Each half-bag shall be not less than 55 inches by 21 inches by 36 inches and each panel shall be not less than 40 inches in width and 102 inches in length.

(g) *Polypropylene material.* (1) *General.* The material shall be new polypropylene fabric manufactured in the United States from yarn and resins produced in the United States and woven specifically for use on cotton bales. The

bale covers shall be uniform in size and color, clean, unstained, and free of any extraneous material.

(2) *Yarns.* No scrap, reground, or reworked polymer shall be used, except that unoriented edge trim may be reground and directly recycled during operation of extruder.

(i) *Type.* The yarn shall be crystallizing or isotactic polypropylene tape yarn.

(ii) *Dimension.* Yarn dimensions shall be 2.1 mils thick, plus or minus .2 mils, and 95 mils wide, plus or minus 2.0 mils.

(iii) *Inhibitor concentration.* The yarn shall be stabilized by a system containing organo-nickel complex ultraviolet light inhibitor. The yarn shall contain organo-nickel complex at a concentration of not less than 0.1 percent nickel as metal from the inhibitor. The Cotton Industry Bale Packaging Committee will have samples checked periodically by a private laboratory at manufacturers' expense.

(3) *Fabric woven from stabilized yarns.*
(i) *Minimum weight.* The fabric must weigh an average of not less than 3.0 ounces per square yard and no test sample shall weigh less than 2.8 ounces per square yard.

(ii) *Yarn count.* There must be 12 warp yarns, plus or minus 1, per inch; and 10 weft yarns, plus or minus 1, per inch.

(iii) *Color.* The color of the fabric shall be translucent light gold, unless otherwise approved by the Cotton Industry Bale Packaging Committee. A different colored warp yarn meeting ultraviolet inhibitor concentration must be inserted in the center of each panel by the fabric manufacturer.

(iv) *Tensile strength.* Minimum tensile strength shall be 125 pounds per inch average in the warp direction and 100 pounds per inch average in the weft direction. Ten samples shall be tested in each direction for this determination, and no single test shall be more than 10 pounds per inch below the specified average.

(v) *Elongation.* Fabric shall have an elongation to break of not less than 15 percent average in both warp and weft directions. Ten samples shall be tested in each direction for this determination and no single test value shall be below 12 percent.

(vi) *Selva.* Each outer edge of the fabric shall be a tucked selva or natural selva containing not less than the number of warp ends prevalent in the body of the fabric. A heat cut selva will not be acceptable. Ends of cut sheets and spiral sewn bags must be finished by heat cutting to give a pin test value of at least 40 pounds per inch.

(vii) *Air permeability.* The fabric in an unstressed state must permit not less than 5 cubic feet per minute per square foot, nor more than 50 cubic feet per minute per square foot of air flow.

(viii) *Weathering resistance.* The fabric shall retain not less than 70 percent of its original tensile breaking strength after 1200 hours exposure to accelerated weathering.

(4) *Coatings.* Any coating added to the fabric to reduce gloss, fibrillation, slip-

page, or for other technical reasons, shall be as stable as the fabric to which it has been applied when exposed to accelerated weathering. Such coating must not adversely affect cotton which it is to contact.

(5) *Minimum panel size.* (i) Each panel of bagging must be not less than 52 inches in width and 112 inches in length for use on non-modified flat presses (28 inch width bales).

(ii) Each panel of bagging must be not less than 48 inches in width and 112 inches in length for use on modified flat presses (25 inch width bales).

(iii) Each panel of bagging must be not less than 44 inches in width and 100 inches in length for use on gin standard density bales.

(iv) Each panel of bagging must be not less than 44 inches in width and 96 inches in length for use on gin universal density bales.

(6) *Additional specifications for spiral sewn bags.* (i) Fabric shall conform to specifications for woven polypropylene fabric specifications.

(ii) The fabric from which each bag is sewn shall be a minimum of 60 inches in width.

(iii) The bag size must be tailored to individual bale size at each gin location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(iv) Sewing thread used shall be a minimum 1000 denier polypropylene meeting ultraviolet inhibitor concentration requirements as in fabric with breaking strength of 5.0 grams per denier.

(v) The bags shall be sewed to a stitch rate of 5, plus or minus .5, per inch.

(vi) Sewn seams at bottom of bags must be a minimum of 3/4 inch from heat cut edges.

(7) *Identification markings.* Each panel and/or spiral sewn bag must have the name or trademark of the fabric manufacturer (that is, the company weaving the material) suitably printed no more than 36 inches apart and 8 to 12 inches from the panel selva. Each identification mark shall be at least three-fourth inch in height but not more than one inch in height. The identification markings shall be placed on record with the Cotton Industry Bale Packaging Committee and CCC.

(8) *Inspection and certification requirements.* (i) *Responsibility for inspection.* The fabric manufacturer and the supplier are both responsible for performance of all inspection requirements as specified herein. They may use their own or any other facilities suitable for the performance of such inspection requirements, unless such facilities are disapproved by the Cotton Industry Bale Packaging Committee or CCC.

(ii) *Right to perform inspection or testing.* Reasonable inspection or tests deemed necessary may be performed by the Cotton Industry Bale Packaging Committee and/or CCC to assure that materials conform to prescribed specifications.

(iii) *Inspection or testing expense.* Expense for such inspection or testing

shall be borne by the fabric manufacturer or supplier.

(iv) *Certification required by the Cotton Industry Bale Packaging Committee.*

(a) *Submission of samples.* All manufacturers of polypropylene must submit samples to a private testing laboratory selected by the Cotton Industry Bale Packaging Committee or CCC for certification that materials meet all prescribed specifications.

(b) *Approved list.* Upon receipt of testing results, the Cotton Industry Bale Packaging Committee will publicize throughout the cotton industry a list of approved manufacturers and their trade marks.

(c) *Responsibility for components and materials.* The supplier and fabric manufacturer are responsible for insuring that components and materials used are manufactured, examined and tested in accordance with specifications and standards.

(d) *Certification of fabric furnished.* Fabric manufacturers shall certify to customers that the fabric furnished has been manufactured in the United States from yarn and resins produced in the United States for use as cotton bale covers, and which meet the material specifications herein, and that the manufacturer is on the Cotton Industry Bale Packaging Committee's approved list.

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1976 crop of cotton meets the above specifications. Except for polyethylene shrink-pack bags, polyethylene half-bags, spiral sewn burlap bags and bagging manufactured from polypropylene material, each sample of bagging selected for testing will consist of one-half pattern. (Each sample of polyethylene shrink-pack bag, polyethylene half-bag, and spiral sewn burlap bags will consist of one bag, or half-bag in the case of polyethylene half-bags. Polypropylene material selected for testing will consist of a minimum of ten randomly selected panels or spiral sewn bags, or an equivalent amount of flat goods in cases where the material is tested before it is in panel or spiral sewn bag form.)

(a) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint strength tests will be made only when determined to be necessary.

(b) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface

and the length measured. Both selvages for jute and cotton panels will be measured, and for polyethylene panels and shrink-pack bags and half-bags, the length of each side will be measured. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776 62-T.

(c) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute and cotton). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements rounded to the nearest inch, will be the width. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776 62-T.

(d) *Warp yarn count.* For new jute and woven cotton bagging, the number of warp ends in the width of the sample including the selvages, will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging. For polypropylene bagging, the number of warp ends in a 12 inch width of the sample will be counted. This figure will be divided by 12 to determine the warp yarns per inch of bagging.

(e) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute and woven cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches. For polypropylene bagging, the number of weft ends in a 12 inch length of the sample will be counted. This figure will be divided by 12 to determine the weft yarns per inch of bagging.

(f) *Weight of bagging.* The weight of bagging, except for polypropylene material, will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-tenth pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight for jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging on the basis of 8.5 percent moisture content (not moisture regain). (Polypropylene fabric weight will be determined as prescribed in subparagraph (k) (3) of this section.)

(g) *Wale count of warp knitted cotton bagging.* The number of wales or ribs running lengthwise of the sample will be counted over a measured width (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the wale count per inch.

(h) *Course count of warp knitted cotton bagging.* The number of courses or loops which form a line horizontal to the wales or ribs will be counted over a measured length (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the course count per inch.

(i) *Additional tests on warp knitted bagging.* Elongation or stretch properties will be tested at one pound per inch static load using methods as specified in A.S.T.M. D 2594. Bursting strength will be tested on an approved type of constant rate of traverse machine equipped with a bursting attachment (ball burst) as specified in A.S.T.M. D 231.

(j) *Additional tests for polyethylene material.* The gauge and gauge tolerance shall be tested in accordance with A.S.T.M. D 374. The tensile strength and elongation shall be tested in accordance with A.S.T.M. D 882-67. Impact resistance shall be tested in accordance with A.S.T.M. Method B 1709 67. Slip characteristics shall be tested in accordance with A.S.T.M. D 1894. The ratio of machine direction shrink to transverse direction shrink will be calculated in accordance with A.S.T.M. D 2732.

(k) *Additional test procedures for polypropylene material.* (1) *Yarn dimensions.* Yarn dimensions will be tested as specified in A.S.T.M. D 3218-73 T.

(2) *Inhibitor concentration.* Yarn shall be removed from the warp direction of each test sample and analyzed for ultraviolet inhibitor concentration by following applicable analytical test procedure as specified in method MILITARY-B 52472B (ME) paragraph 4.4.2.7.2.2. atomic absorption method. Specimen yarns shall likewise be removed from the weft or fill direction and tested for inhibitor concentration. Values obtained less than .1% nickel as metal for the inhibitor in either warp or weft direction of the fabric shall be deemed nonconformance and constitute failure of this test.

(3) *Fabric weight.* The fabric weight per square yard shall be determined as specified in FEDERAL TEST METHOD STANDARD No. 191, method 5041.

(4) *Tensile strength and elongation.* A minimum of ten randomly selected samples will be tested for tensile strength and elongation to break at standard conditions and in accordance with FEDERAL TEST METHOD STANDARD No. 191.

(5) *Accelerated weathering.* (i) *Preparation of specimens.* The sample unit will be one finished panel or spiral sewn bag or an equivalent amount of flat goods. Three swatches 4 inches by 12 inches shall be cut from each principal direction (warp and weft) of the fabric.

Each swatch shall be cut into two 4 inch by 6 inch test specimens; one specimen to be used for initial break strength and the other specimen to be used for break strength after accelerated weathering. The specimens shall be marked to indicate which are cut with the long dimension in the warp direction and which have the long dimension in the weft direction.

(ii) *Initial tensile breaking strength.* The marked control specimens shall be conditioned for 24 hours at the standard condition specified in FEDERAL TEST METHOD STANDARD No. 191, and shall be tested for breaking strength in accordance with FEDERAL TEST METHOD STANDARD No. 191, method 5100.1. The results shall be averaged for specimens in warp direction and averaged for specimens in weft direction, and the averages shall be recorded as the initial breaking strength in warp and weft directions. An average in warp of less than 125 pounds or less than 100 pounds in the weft direction shall constitute failure of this test.

(iii) *Breaking tensile strength after accelerated weathering.* The balance of the specimens shall be tested in accordance with FEDERAL TEST METHOD STANDARD No. 191, method 5804, for not less than 1200 hours, except that the black panel temperature shall be maintained at 155° F., plus or minus 3° F. The black panel temperature shall be read during the final 10 minutes of a cycle just before the water spray period starts. At the completion of 1200 hours exposure to accelerated weathering, the specimens shall again be conditioned for 24 hours at the standard conditions specified in FEDERAL TEST METHOD STANDARD No. 191. After conditioning, the exposed specimens shall be tested for breaking strength in accordance with FEDERAL TEST METHOD STANDARD No. 191, method 5100.1. An average breaking strength of less than 70 percent of the initial average breaking strength recorded for its respective warp or fill yarn direction shall constitute failure of this test.

(6) *Ends of heat cut sheets and/or spiral sewn bags.* Heat cut ends of cotton bale cover sheets and spiral tubing shall be evaluated for heat cut strength as specified in A.S.T.M. METHOD D 751. Pin test values of less than 40 pounds per inch shall constitute failure of this test.

(7) *Air permeability.* The fabric shall be tested for air permeability as specified in A.S.T.M. D 737-46. Air permeability values of less than 5 or more than 50 cubic feet per minute per square foot will constitute failure of this test.

Effective date. This subpart is effective for all loans made on the 1976 and subsequent crops of cotton.

Signed at Washington, D.C. on February 13, 1976.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 76-4855 Filed 2-19-76; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-886]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40

FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Cleburne	Heber, Springs, city of	Feb. 9, 1976, emergency	Jan. 24, 1975	050240
Do.	Baxter	Mountain Home, city of	do.	Feb. 14, 1976	050351
Georgia	Cherokee	Unincorporated areas	do.	do.	130036
Maine	Penobscot	Eddington, town of	do.	Jan. 24, 1975	230382
Do.	Cumberland	Pownal, town of	do.	Jan. 31, 1975	230204
Do.	Kennebec	Mount Vernon, town of	do.	Apr. 18, 1975	230241
Do.	Somerset	Ripley, town of	do.	Jan. 3, 1975	230368
Minnesota	Ramsey	Roseville, city of	do.	Jan. 24, 1975	270590A
North Carolina	Pasquotank	Unincorporated areas	do.	Oct. 31, 1975	370184
Ohio	Lawrence	South Point, village of	do.	Jan. 3, 1975	390630
Pennsylvania	Chester	East Nottingham, township of	do.	Sept. 13, 1975	421482A
Do.	Luzerne	Fairmount, township of	do.	Nov. 28, 1975	421827
Do.	Centre	Howard, township of	do.	Jan. 17, 1975	421464
Do.	Blair	Martinsburg, borough of	do.	Nov. 22, 1974	421384
Do.	Westmoreland	North Irwin, borough of	do.	Dec. 20, 1974	422641
Do.	Luzerne	Ross, township of	do.	Jan. 24, 1975	421835
Do.	Snyder	Spring, township of	do.	Jan. 17, 1975	422039
Do.	do.	West Perry, township of	do.	Nov. 1, 1974	422042
Arkansas	Faulkner	Vilonia, town of	Feb. 10, 1976, emergency	Apr. 11, 1975	050417
California	Yuba	Wheatland, city of	do.	May 2, 1975	060460
Connecticut	Windham	Brooklyn, town of	do.	Feb. 28, 1975	090164
Indiana	Decatur	Unincorporated areas	do.	do.	180430
Michigan	Ionia	Belding, city of	do.	Jan. 17, 1975	260096
New York	Herkimer	Cold Brook, village of	do.	do.	360298
Do.	Otsego	Roseboom, town of	do.	Jan. 10, 1975	361421
Do.	Franklin	Santa Clara, town of	do.	Feb. 21, 1975	361398
Oregon	Clackamas	Barlow, city of	do.	Jan. 10, 1975	410013
Pennsylvania	Susquehanna	Apolacon, township of	do.	Nov. 29, 1974	422072
Do.	Cambria	East Taylor, township of	do.	Jan. 17, 1975	421441
Do.	Snyder	Freeburg, borough of	do.	Dec. 13, 1974	422030
Do.	do.	McClure, borough of	do.	do.	420806
Do.	Somerset	Northampton, township of	do.	Jan. 3, 1975	422520
Do.	Westmoreland	South Greensburg, borough of	do.	June 14, 1974	420000
Do.	Snyder	Union, township of	do.	July 18, 1975	422040
Do.	Mercer	Wolf Creek, township of	do.	Jan. 31, 1975	422491
Vermont	Orleans	Albany, town of	do.	Jan. 10, 1975	500213
West Virginia	Upshur	Unincorporated areas	do.	Jan. 17, 1975	540128
Arkansas	Lonoke	Humnoke, city of	Feb. 11, 1976, emergency	July 11, 1975	050252
Do.	Faulkner	Wooster, city of	do.	Aug. 22, 1975	050301
Indiana	Ripley	Unincorporated areas	do.	Dec. 13, 1974	180227
Kansas	Greenwood	Virgil, city of	do.	Jan. 10, 1975	200122
Kentucky	Mason	Dover, city of	do.	Aug. 2, 1974	210161
Pennsylvania	Clarion	Elk, township of	do.	Jan. 31, 1975	422362
Do.	Dauphin	Gratz, borough of	do.	Dec. 20, 1974	421598
Do.	do.	Jefferson, township of	do.	Jan. 31, 1975	421594
Do.	Crawford	Rome, township of	do.	Jan. 3, 1975	422395
Do.	Chester	Wallace, township of	do.	Jan. 10, 1975	421493
California	Tulare	Farmersville, city of	Feb. 12, 1976, emergency	do.	060405
Kansas	Marshall	Frankfort, city of	do.	Jan. 23, 1974	200211A
New York	Chautauque	French Creek, town of	do.	Oct. 24, 1975	361370
North Carolina	Avery	Unincorporated areas	do.	Jan. 3, 1975	370010
Oregon	Umatilla	Adams, city of	do.	Aug. 30, 1974	410205A
Tennessee	Pickett	Byrdstown, town of	do.	Dec. 26, 1975	470147
Do.	Fayette	Rossville, city of	do.	June 21, 1974	470050
Texas	Motley	Roaring Springs, city of	do.	July 19, 1974	480496
Virginia	do.	Bristol, city of	do.	Nov. 8, 1974	510022
West Virginia	Pocahontas	Unincorporated areas	do.	Mar. 8, 1974	540283

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
California	Kern	Maricopa, city of	Feb. 13, 1976, emergency	June 14, 1974	060079A
Do.	Tuolumne	Sonora, city of	do.	Nov. 14, 1975	060412A
Connecticut	Litchfield	Warren, town of	do.	May 31, 1974	060412A
Indiana	Clinton	Unincorporated areas	do.	Oct. 10, 1975	060175
Do.	Crawford and Harrison	Milltown, town of	do.	Dec. 13, 1974	180029
Kansas	Greenwood	Eureka, city of	do.	Nov. 30, 1973	080034A
Nebraska	Nance	Fullerton, city of	do.	Oct. 10, 1975	200120A
New York	Ulster	Denning, town of	do.	Apr. 12, 1974	310152
Ohio	Darke	Unincorporated areas	do.	Jan. 10, 1976	361439
Oklahoma	Okfuskee	Boley, town of	do.	Dec. 20, 1974	390137
Pennsylvania	Chester	Elverson, borough of	do.	Apr. 12, 1974	400138A
Do.	Franklin	Fannett, township of	do.	Jan. 23, 1976	422287
Do.	Erie	Franklin, township of	do.	Jan. 3, 1975	422424
Do.	do.	Greene, township of	do.	Feb. 7, 1975	422424
Do.	Somerset	Paint, township of	do.	Dec. 13, 1974	421862
Do.	Armstrong	Parks, township of	do.	Mar. 28, 1975	421864
South Carolina	Hampton	Unincorporated areas	do.	Dec. 27, 1974	422521
Tennessee	Wayne	Waynesboro, city of	do.	May 3, 1974	421311
Vermont	Rutland	Danby, town of	do.	Jan. 14, 1974	470201
Wisconsin	Jefferson	Johnson Creek, village of	do.	Jan. 17, 1975	500312
				Jan. 9, 1974	550194

¹ New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and

Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 5, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 76-4639 Filed 2-19-76; 8:45 am]

[Docket No. FI-885]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area

having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish

that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201 (d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Arkansas	Dewitt, city of	H 050061A 01	Director, Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Commissioner, Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Dewitt, Ark. 72042.	Oct. 12, 1973. Jan. 30, 1976.
Do.	Cleveland	Kingsland, city of	H 050039A 01	do.	Mayor, City Hall, Kingsland, Ark. 71652.	Aug. 30, 1974. Jan. 30, 1976.
Do.	Lonoke	Lonoke, city of	H 050341 01	do.	Mayor, City Hall, Lonoke, Ark. 72086.	Mar. 26, 1976.
California	Contra Costa	Hercules, city of	H 060434 01 through H 060434 02	Director, Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. Commissioner, California Insurance Department, 1470 Market St., San Francisco, Calif. 94103. Commissioner, California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, P.O. Box 156, Hercules, Calif. 94547.	Do.
Do.	Siskiyou	Montague, city of	H 060451 01	do.	Mayor, P.O. Box 367, Montague, Calif. 96064.	Do.
Do.	San Luis Obispo	Pismo Beach, city of	H 060309 01 through H 060309 02	do.	City Administrator, 1000 Bella St., Pismo Beach, Calif. 93449.	Do.
Do.	Contra Costa	Richmond, city of	H 060035A 01 through H 060035A 18	do.	Mayor, City Hall, Civic Center Plaza, Richmond, Calif. 94804.	June 28, 1974. Jan. 30, 1976.
Do.	Sonoma	Sonoma, city of	H 060383A 01	do.	Mayor, City Hall, Sonoma, Calif. 95476.	Feb. 22, 1974. Jan. 30, 1976.
Colorado	Jefferson	Mountain View, city of	H 080254 01	Director, Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Commissioner, Colorado Insurance Commission, 106 State Office Bldg., Denver, Colo. 80203.	Clerk, 4176 Benton St., Mountain View, Colo. 80212.	Mar. 26, 1976.
Do.	Chaffee	Salida, city of	H 080031A 01 through H 080031A 02	do.	Mayor, City Hall, 124 East St., P.O. Box 417, Salida, Colo. 81201.	May 3, 1974. Jan. 30, 1976.
Do.	Kit Carson	Stratton, town of	H 080263 01	do.	Mayor, 240 Kansas Ave., Stratton, Colo. 80836.	Mar. 26, 1976.
Do.	Weld	Windsor, town of	H 080264 01	do.	Mayor, P.O. Box 627, Windsor, Colo. 80550.	Do.
Connecticut	New London	Colchester, town of	H 090095A 01 through H 090095A 18	Director, Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Commissioner, Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	First Selectman, P.O. Box 154, Colchester, Conn. 06415.	Aug. 2, 1974. Jan. 30, 1976.
Florida	Franklin	Apalachicola, city of	H 120089A 01	Secretary, Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. Commissioner, State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, P.O. Drawer 788, Apalachicola, Fla. 32320.	Mar. 30, 1973. Jan. 30, 1976.
Do.	De Soto	Arcadia, city of	H 120073A 01 through H 120073A 02	do.	Mayor, Box 351, Arcadia, Fla. 33821.	June 21, 1974. Jan. 30, 1976.
Do.	Polk	Auburndale, city of	H 120262A 01 through H 120262A 02	do.	City Manager, P.O. Box 186, Auburndale, Fla. 33823.	Feb. 1, 1974. Jan. 30, 1976.
Do.	Orange	Belle Isle, city of	H 120181A 01 through H 120181A 02	do.	Mayor, P.O. Box 13135, Belle Isle, Fla. 32809.	July 19, 1974. Jan. 30, 1976.
Do.	Holmes	Bonifay, city of	H 120116A 01	do.	Mayor, P.O. Box 206, Bonifay, Fla. 32425.	Nov. 16, 1973. Jan. 30, 1976.
Do.	Palm Beach	Briny Breezes, town of	H 120197A 01	do.	Mayor, 5000 North Ocean Blvd., Del Ray Beach, Fla. 33444.	Jan. 23, 1974. Jan. 30, 1976.
Do.	Jackson	Campbellton, city of	H 120126A 01	do.	Mayor, Box 215, Campbellton, Fla. 32426.	Sept. 6, 1974. Jan. 30, 1976.
Do.	Franklin	Carrabelle, city of	H 120090A 01 through H 120090A 02	do.	Mayor, P.O. Drawer 569, Carrabelle, Fla. 32322.	Jan. 23, 1974. Jan. 30, 1976.
Do.	Bay	Cedar Grove, town of	H 120006A 01	do.	Mayor, 2728 East 14th St., Cedar Grove, Fla. 32401.	July 19, 1974. Jan. 30, 1976.
Do.	Gadsden	Chattahoochee, city of	H 120092A 01 through H 120092A 02	do.	President of City Council, P.O. Drawer 188, Chattahoochee, Fla. 32324.	July 19, 1974. Jan. 30, 1976.
Do.	Washington	Chipley, city of	H 120325A 01	do.	Mayor, P.O. Drawer Q, Chipley, Fla. 32428.	July 26, 1974. Jan. 30, 1976.
Do.	Lake	Clermont, city of	H 120133A 01 through H 120133A 02	do.	City Manager, No. 1, West Gate Plaza, Clermont, Fla. 32711.	May 31, 1974. Jan. 30, 1976.
Do.	Dixie	Cross City, town of	H 120074A 01	do.	Mayor, P.O. Box 417, Cross City, Fla. 32628.	Sept. 13, 1974. Jan. 30, 1976.
Do.	Citrus	Crystal River, city of	H 120340 01 through H 120340 02	do.	Mayor, 123 Northwest Highway 19, Crystal River, Fla. 32629.	Mar. 26, 1976.
Do.	Polk	Fort Meade, city of	H 120264A 01	do.	Mayor, P.O. Box 856, Fort Meade, Fla. 33841.	Jan. 16, 1974. Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Lake	Groveland, city of.	H 120135A 01	do.	Mayor, P.O. Box 26, Groveland, Fla. 32736.	Jan. 16, 1974.
Do.	Santa Rosa	Gulf Breeze, city of.	H 120275A 01 H 120275A 02 H 120040A 01 H 120040A 02 H 120212A 01	do.	Mayor, P.O. Box 640, Gulf Breeze, Fla. 32561.	Jan. 30, 1976. June 28, 1974. Jan. 30, 1976.
Do.	Broward	Hillsboro Beach, town of.	H 120040A 01 H 120040A 02 H 120212A 01	do.	Mayor, 1210 Hillsboro Beach, Pompano Beach, Fla. 33062.	Jan. 9, 1974. Jan. 30, 1976.
Do.	Palm Beach	Lake Park, town of.	H 120044A 01 H 120044A 03 H 120151A 01	do.	Mayor, 841 Poplar Dr., Lake Park, Fla. 33403.	Nov. 23, 1973. Jan. 30, 1976.
Do.	Broward	Lauderhill, city of.	H 120044A 01 H 120044A 03 H 120151A 01	do.	Mayor, 4000 Northwest 12 St., Lauderhill, Fla. 33313.	Feb. 8, 1974. Jan. 30, 1976.
Do.	Madison	Lee, city of.	H 120135A 01	do.	Mayor, P.O. Box 95, Lee, Fla. 32059.	Sept. 6, 1974. Jan. 30, 1976.
Do.	Lake	Umatilla, city of.	H 120135A 01	do.	Mayor, P.O. Box 566, Umatilla, Fla. 32784.	Mar. 31, 1974. Jan. 30, 1976.
Do.	Alachua	Waldo, city of.	H 120003A 01	do.	Mayor, P.O. Drawer R, Waldo, Fla. 32094.	Jan. 9, 1974. Jan. 30, 1976.
Georgia	Chattooga	Unincorporated areas.	H 130036 01 H 130036 22	Commissioner, Department of Natural Resources, Office of Planning and Research, 270 Washington St. S.W., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	County Commissioners, Chattooga County Courthouse, Summerville, Ga. 30747.	Mar. 26, 1976.
Do.	Spalding	Griffin, city of.	H 130165A 01 H 130165A 07	do.	City Manager, P.O. Box 95, Griffin, Ga. 30223.	Sept. 20, 1974. Jan. 30, 1976.
Do.	McDuffie	Unincorporated areas.	H 130357 01 H 130357 23	do.	Board of Commissioners, McDuffie Courthouse, Thompson, Ga. 30824.	Mar. 26, 1976.
Do.	Brantley	Nahunta, city of.	H 130014A 01 H 130014A 02 H 130126A 01 H 130126A 02	do.	Mayor, P.O. Box 156, Nahunta, Ga. 31553.	May 17, 1974. Jan. 30, 1976.
Do.	Liberty	Riceboro, city of.	H 130018A 01 H 130018A 04 H 130047A 01 H 130047A 04	do.	Mayor, City Hall, Riceboro, Ga. 31323.	May 10, 1974. Jan. 30, 1976.
Do.	Bryan	Richmond Hill, city of.	H 130018A 01 H 130018A 04 H 130047A 01 H 130047A 04	do.	Mayor, P.O. Box 77, Richmond Hill, Ga. 31324.	June 7, 1974. Jan. 30, 1976.
Do.	Clayton	Riverdale, city of.	H 130018A 01 H 130018A 04 H 130047A 01 H 130047A 04	do.	Mayor, 6600 Church St., Riverdale, Ga. 30274.	June 14, 1974. Jan. 30, 1976.
Do.	Floyd	Rome, city of.	H 130081A 01 H 130081A 10 H 130228A 01 H 130228A 05	do.	1st Council, P.O. Box 1433, Rome, Ga. 30161.	May 17, 1974. Jan. 30, 1976.
Do.	Washington	Sandersville, city of.	H 130057A 01 H 130057A 05 H 130057A 01 H 130057A 05	do.	Mayor, P.O. Box 71, Sandersville, Ga. 31082.	Aug. 9, 1974. Jan. 30, 1976.
Do.	Cobb	Smyrna, city of.	H 130057A 01 H 130057A 05 H 130396 01 H 130396 30	do.	Mayor, P.O. Box 1226, Smyrna, Ga. 30080.	June 7, 1974. Jan. 30, 1976.
Do.	Talbot	Unincorporated areas.	H 130396 01 H 130396 30	do.	Chairman, County Courthouse, Talbotton, Ga. 31827.	Mar. 26, 1976.
Idaho	Bear Lake	Georgetown, city of.	H 160138 01	Director, Department of Water Administration, State House Annex 2, Boise, Idaho 83707. Commissioner, Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Georgetown, Idaho 83239.	Do.
Do.	Fremont	Teton, city of.	H 160155 01	do.	Mayor, City Hall, Teton, Idaho 83451.	Do.
Do.	Shoshone	Wardner, city of.	H 160130A 01	do.	Mayor, 700 Main St., Wardner, Idaho 83357.	Sept. 6, 1974. Jan. 30, 1976.
Illinois	Scott	Bluffs, village of.	H 170608A 01	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Village Hall, Bluffs, Ill. 62621.	June 7, 1974. Jan. 30, 1976.
Do.	Cook	Burnham, village of.	H 170070A 01	do.	Village President, 13025 Entre Ave., Burnham, Ill. 60633.	Mar. 22, 1974. Jan. 30, 1976.
Do.	Platt	Deland, village of.	H 170547A 01	do.	President of the Board, Village Hall, Deland, Ill. 61839.	Aug. 23, 1974. Jan. 30, 1976.
Do.	Whiteside	Erie, village of.	H 170689A 01	do.	Village President, 901 8th Ave., Erie, Ill. 61250.	May 3, 1974. Jan. 30, 1976.
Do.	Pike	Florence, village of.	H 170552A 01	do.	Village President, R.R. 1, Florence, Ill. 62363.	Dec. 17, 1973. Jan. 30, 1976.
Do.	Champaign	Foosland, village of.	H 170028A 01	do.	Village President, Village Hall, Foosland, Ill. 61845.	Mar. 29, 1974. Jan. 30, 1976.
Do.	McHenry	Fox River Grove, village of.	H 170477A 01 H 170477A 02 H 170511A 01	do.	President, 408 Northwest Highway, Fox River Grove, Ill. 60021.	Apr. 5, 1974. Jan. 30, 1976.
Do.	Monroe	Fults, village of.	H 170511A 01	do.	Village President, Village Hall, Fults, Ill. 62244.	Dec. 17, 1973. Jan. 30, 1976.
Do.	Saline	Galatia, village of.	H 170507A 01	do.	Town President, Route Galatia, Galatia, Ill. 62335.	Mar. 1, 1974. Jan. 30, 1976.
Do.	Ford	Gibson City, city of.	H 170234A 01	do.	Mayor, 101 East 8th St., Gibson City, Ill. 60036.	Mar. 29, 1974. Jan. 30, 1976.
Do.	Mason	Havana, city of.	H 170465A 01	do.	Mayor, 227 West Main St., Havana, Ill. 62744.	Apr. 5, 1974. Jan. 30, 1976.
Do.	Rock Island	Hillsdale, village of.	H 170589A 01	do.	Village President, Village Hall, Hillsdale, Ill. 61257.	June 28, 1974. Jan. 30, 1976.
Do.	Jefferson	Ina, village of.	H 170907A 01	do.	Mayor, Village Hall, Ina, Ill. 62846.	Aug. 16, 1974. Jan. 30, 1976.
Do.	Henderson	Lomax, village of.	H 170281A 01	do.	Village President, P.O. Box 7, Lomax, Ill. 61454.	Mar. 1, 1974. Jan. 30, 1976.
Do.	Lake	Riverwoods, village of.	H 170387A 01	do.	Mayor, 300 Portwine Rd., Riverwoods, Ill. 60015.	Mar. 1, 1974. Jan. 30, 1976.
Do.	Knox	Yates City, village of.	H 170356A 01	do.	Village President, Village Hall, Yates City, Ill. 61572.	June 14, 1974. Jan. 30, 1976.
Indiana	Madison	Anderson, city of.	H 180150A 01 H 180150A 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Commissioner, Indiana Insurance Department, 500 State Office Bldg., Indianapolis, Ind. 46204.	Director, 120 East 8th St., P.O. Box 2100, Anderson, Ind. 46011.	Feb. 15, 1974. Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Franklin	Cedar Grove, town of.	H 180304 A 01	do.	Town Attorney, 424 Court St., Brookville, Ind. 47012.	Dec. 7, 1973.
Do.	Allen	Fort Wayne, city of.	H 180003 A 01 H 180003 A 18 H 180003 A 01 H 180003 A 05 H 180207 A 01	do.	City Engineer, Room 730, City-County Bldg., 1 Main St., Fort Wayne, Ind. 46800.	Jan. 30, 1976. Feb. 15, 1974. Jan. 30, 1976.
Do.	Howard	Kokomo, city of.	H 180003 A 01 H 180003 A 05 H 180207 A 01	do.	Director, Planning Commission, Courthouse, Kokomo, Ind. 46901.	Dec. 17, 1973. Jan. 30, 1976.
Do.	Wabash	Lafontaine, town of.	H 180062 A 01	do.	Chairman, Board of Trustees, 10 Wabash Ave., Lafontaine, Ind. 46940.	Apr. 12, 1974.
Do.	Floyd	New Albany, city of.	H 180062 A 01 H 180062 A 04 H 180255 A 01 H 180255 A 02 H 180200 A 01	do.	Mayor, City Hall, New Albany, Ind. 47150.	Feb. 15, 1974.
Do.	Tipton	Tipton, city of.	H 180062 A 01 H 180255 A 01 H 180255 A 02 H 180200 A 01	do.	Mayor, 225 East Jefferson St., Tipton, Ind. 46072.	Dec. 28, 1973. Jan. 30, 1976.
Do.	Pike	Winslow, town of.	H 180200 A 01	do.	Town Board President, P.O. Box 25, Winslow, Ind. 47598.	Dec. 17, 1973. Jan. 30, 1976.
Iowa	Franklin	Alexander, city of.	H 190837 01 H 190837 02	Director, Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Commissioner, Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Alexander, Iowa 50420.	Mar. 26, 1976.
Do.	Boone	Boxholm, city of.	H 190708 01	do.	Mayor, City Hall, Boxholm, Iowa 50040.	Do.
Do.	Story	Colo, city of.	H 190839 01 H 190839 02 H 190730 01	do.	Mayor, City Hall, Colo, Iowa 50056.	Do.
Do.	Calhoun	Farnhamville, city of.	H 190730 01	do.	Mayor, c/o Clerk, Farnhamville, Iowa 50538.	Do.
Do.	Franklin	Latimer, city of.	H 190389 01	do.	Mayor, City Hall, Latimer, Iowa 50452.	Do.
Do.	Woodbury	Lawton, city of.	H 190292 A 01	do.	Mayor, City Hall, Lawton, Iowa 51030.	Aug. 16, 1974.
Do.	Appanoose	Mystic, city of.	H 190010 A 01 H 190010 A 02 H 190357 01	do.	Mayor, City Hall, Mystic, Iowa 52574.	Nov. 1, 1974. Jan. 30, 1976.
Do.	Clay	Peterson, city of.	H 190357 01	do.	Mayor, City Hall, Peterson, Iowa 51057.	Mar. 26, 1976.
Do.	Marion	Pleasantville, city of.	H 190838 01	do.	Mayor, 108 West Jackson St., Pleasantville, Iowa 50225.	Do.
Do.	Dallas	Redfield, city of.	H 190301 01	do.	Mayor, City Hall, Redfield, Iowa 50233.	Do.
Do.	Greene	Rippey, city of.	H 190399 01	do.	Mayor, City Hall, Rippey, Iowa 50235.	Do.
Do.	Linn	Robins, city of.	H 190443 01 H 190443 03 H 190352 01 H 190352 02 H 190343 01 H 190343 02 H 190801 01	do.	Mayor, City Hall, Robins, Iowa 52328.	Do.
Do.	Cerro Gordo	Rockwell, city of.	H 190352 01 H 190352 02 H 190343 01 H 190343 02 H 190801 01	do.	Mayor, City Hall, Rockwell, Iowa 50469.	Do.
Do.	Calhoun	Rockwell City, city of.	H 190352 01 H 190352 02 H 190343 01 H 190343 02 H 190801 01	do.	Mayor, City Hall, Rockwell City, Iowa 50570.	Do.
Do.	Delaware	Ryan, city of.	H 190801 01	do.	Mayor, P.O. Box 137, Ryan, Iowa 52330.	Do.
Do.	Wayne	Seymour, city of.	H 190655 01	do.	Mayor, City Hall, Seymour, Iowa 52590.	Do.
Do.	Story	Slater, city of.	H 190659 01	do.	Mayor, City Hall, Slater, Iowa 50244.	Do.
Do.	Mitchell	Stacyville, city of.	H 190461 01	do.	Mayor, P.O. Box 215, Stacyville, Iowa 50276.	Do.
Do.	Van Buren	Stockport, city of.	H 190808 01	do.	Mayor, City Hall, Stockport, Iowa 52651.	Do.
Do.	Adair and Guthrie	Stuart, city of.	H 190663 01	do.	Mayor, City Hall, Stuart, Iowa 50250.	Do.
Do.	Pottawattamie	Treynor, city of.	H 190816 01	do.	Mayor, P.O. Box 343, Treynor, Iowa 51575.	Do.
Do.	Bremer	Tripoli, city of.	H 190660 01	do.	Mayor c/o Clerk, P.O. Box 87, Tripoli, Iowa 50676.	Do.
Do.	Pottawattamie	Underwood, city of.	H 190494 01	do.	Mayor, City Hall, Underwood, Iowa 51576.	Do.
Do.	Benton	Van Horne, city of.	H 190673 01	do.	Mayor, City Hall, Van Horne, Iowa 52346.	Do.
Do.	Dallas	Wauke, city of.	H 190678 01	do.	Mayor, City Hall, Wauke, Iowa 50263.	Do.
Kansas	Labette	Altamont, city of.	H 200902 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Commissioner, Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, P.O. Box 71, Altamont, Kans. 67330.	Do.
Do.	Crawford	Arma, city of.	H 200465 01	do.	Clerk, P.O. Box M, Arma, Kans. 66712.	Do.
Do.	Marshall	Axtell, city of.	H 200387 01	do.	Mayor, c/o Clerk, Axtell, Kans. 66403.	Do.
Do.	Sumner	Belle Plaine, city of.	H 200466 01	do.	Clerk, 401 North Merchant, Belle Plaine, Kans. 67013.	Do.
Do.	Ottawa	Bennington, city of.	H 200467 01	do.	Mayor, City Hall, Bennington, Kans. 67422.	Do.
Do.	Marshall	Blue Rapids, city of.	H 200470 01	do.	Mayor, City Hall, Blue Rapids, Kans. 66411.	Do.
Do.	Pawnee	Burdett, city of.	H 200396 01	do.	Mayor, P.O. Box 25, Burdett, Kans. 67523.	Do.
Do.	Marion	Burns, city of.	H 200397 01	do.	Mayor, City Hall, Burns, Kans. 66840.	Do.
Do.	Rice	Bushton, city of.	H 200292 A 01	do.	Mayor, City Hall, Bushton, Kans. 67427.	Nov. 22, 1974.
Do.	Sedgwick	Cheney, city of.	H 200478 01	do.	Mayor, City Hall, Cheney, Kans. 67025.	Mar. 26, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Crawford	Cherokee, city of	H 200479 01	do	Mayor, City Hall, Cherokee, Kans. 66724.	Do.
Do	Chase	Cottonwood Falls, city of	H 200486 01	do	Mayor, P.O. Box 487, Cottonwood Falls, Kans. 66845.	Do.
Do	Kingman	Cunningham, city of	H 200401 01	do	Mayor c/o Clerk, P.O. Box 145, Cunningham, Kans. 67035.	Do.
Do	Gray	Ensign, city of	H 200499 01	do	Mayor, P.O. Box 105, Ensign, Kans. 67841.	Do.
Do	Ford	Ford, city of	H 200411 01	do	Mayor, P.O. Box 116, Ford, Kans. 67842.	Do.
Do	Butler	Leon, city of	H 200518 01	do	Mayor, P.O. Box 25, Leon, Kans. 76074.	Do.
Do	Edwards	Lewis, city of	H 200518 01	do	Mayor, P.O. Box 123, Lewis, Kans. 67552.	Do.
Do	Lincoln	Lincoln Center, city of	H 200133A 01	do	Mayor, City Hall, Lincoln Center, Kans. 67455.	Mar. 8, 1974.
Do	Allen	Moran, city of	H 200540 01	do	Mayor, P.O. Box 517, Moran, Kans. 67555.	Jan. 30, 1976.
Do	Morton	Rolla, city of	H 200453 01	do	Mayor, P.O. Box 268, Rolla, Kans. 67954.	Mar. 26, 1976.
Do	Stafford	Stafford, city of	H 200532 01	do	Mayor, 112 West Broadway St., Stafford, Kans. 77578.	Do.
Do	Lincoln	Sylvan Grove, city of	H 200461 01	do	Mayor, City Hall, Sylvan Grove, Kans. 67381.	Do.
Do	Cherokee	Treece, city of	H 200368 01	do	Mayor, General Delivery, Treece, Kans. 66778.	Do.
Kentucky	Ballard	Wickliffe, town of	H 210004A 01 H 210006A 02	Director, Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Commissioner, Kentucky Insurance Department Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, First Valley Bank Bldg., Wickliffe, Ky. 42087.	May 24, 1974. Jan. 30, 1976.
Louisiana	Lafayette	Carenero, town of	H 220103 01	Director, State Department of Public Works P.O., Box 44155, Capitol Station, Baton Rouge, La. 70804. Commissioner, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Carenero, La. 70520.	Mar. 26, 1976.
Do	Webster	Dubberly, village of	H 220281 01 through H 220281 02	do	Clerk, Route 1, Box 14, Dubberly, La. 71024.	Do.
Do	Red River	Edgefield, village of	H 220282 01	do	Mayor, P.O. Box 397, Edgefield, La. 71019.	Do.
Do	Webster	Heflin, village of	H 220293 01	do	Mayor, P.O. Box 37, Heflin, La. 71039.	Do.
Do	De Soto	South Mansfield, village of	H 220313 01	do	Mayor, P.O. Box 995, Mansfield, La. 71052.	Do.
Do	Caddo	Vivian, town of	H 220351 01 through H 220351 02 H 220360 01	do	Water Superintendent, 121 North Pine St., Vivian, La. 71082.	Do.
Do	Rapides	Woodworth, village of	H 220360 01	do	Mayor, P.O. Box 77, Woodworth, La. 71485.	Do.
Maryland	Allegany	Frostburg, city of	H 240004A 01 through H 240004A 03	Director, Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Commissioner, Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Frostburg, Md. 21533.	Sept. 20, 1974. Jan. 30, 1976.
Do	Caroline	Greensboro, town of	H 240014A 01	do	Mayor, P.O. Box 31, Greensboro, Md. 21639.	June 28, 1974. Jan. 30, 1976.
Do	Allegany	Lonaconing, town of	H 240005A 01	do	Mayor, Town Hall, Lonaconing, Md. 21539.	Sept. 20, 1974. Jan. 30, 1976.
Michigan	Ionia	Portland, city of	H 260574A 01	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 259 Kent St., Portland, Mich. 48875.	Oct. 10, 1975. Jan. 30, 1976.
Do	Calhoun	Springfield, city of	H 260054A 01 through H 260054A 02	do	City Manager, 601 Avenue A, Springfield, Mich. 49015.	June 28, 1974. Jan. 30, 1976.
Do	Oakland	West Bloomfield, township of	H 260182A 01 through H 260182A 12	do	Township Supervisor, Box 5158, West Bloomfield, Mich. 48033.	June 28, 1974. Jan. 30, 1976.
Minnesota	Isanti	Isanti, city of	H 270199B 01	Director, Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, R-120 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Box 56, Isanti, Mich. 55040.	Jan. 9, 1974. Aug. 15, 1975. Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Wadena	Menahga, city of	H 270403B 01 through H 270493B 02	do.	Mayor, Menahga, Minn. 56464	Apr. 12, 1974; Aug. 29, 1975.
Mississippi	Leake	Carthage, city of	H 280067A 01 through H 280067A 02	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, 212 West Main St., Carthage, Miss. 39051.	Jan. 30, 1976. June 7, 1974. Mar. 26, 1976.
Do.	Rankin	Florence, town of	H 280144A 01	do.	Mayor, P.O. Box 187, Florence, Miss. 39073.	Aug. 23, 1974 Jan. 30, 1976.
Do.	Itawamba	Fulton, city of	H 280081A 01 through H 280081A 05	do.	Mayor, 213 West Waggle St., Fulton, Miss. 38843.	Jan. 16, 1974. Jan. 30, 1976.
Do.	Rankin	Pelahatchie, town of	H 280146A 01	do.	Mayor, P.O. Box 229, Pelahatchie, Miss. 39145.	June 7, 1974. Jan. 30, 1976.
Do.	Forrest	Petal, city of	H 280260A 01	do.	Mayor, P.O. Box 564, Petal, Miss. 39465.	Feb. 1, 1974. Mar. 26, 1976.
Do.	Attala	Sallis, village of	H 280009A 01	do.	Mayor, Village, Hall, Sallis, Miss. 39160.	Aug. 9, 1974. Jan. 30, 1976.
Missouri	Madison	Cobalt, village of	H 290601 01	Executive Director, Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Superintendent, Division of Insurance, P.O. Box 690, Jefferson, Mo. 65101.	Chairman, Route 2, Fredricktown, Mo. 63645.	Mar. 26, 1976.
Do.	Buchanan	DeKalb, village of	H 290612 01	do.	Chairman, P.O. Box 15, DeKalb, Mo. 64440.	Do.
Do.	Pike	Eolia, village of	H 290588 01	do.	Mayor, P.O. Box 66, Eolia, Mo. 63344.	Do.
Do.	Jefferson	Herculeum, city of	H 290192A 01 through H 290192A 04	do.	Mayor, P.O. Box 1300, Herculeum, Mo. 63048.	May 17, 1974. Jan. 30, 1976.
Nebraska	Kimball	Bushnell, village of	H 310255 01	Executive Secretary, Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Director, Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, P.O. Box 85, Bushnell, Nebr. 69128.	Mar. 26, 1976.
Do.	Merrick	Chapman, village of	H 310260 01	do.	Mayor, P.O. Box 141, Chapman, Nebr. 68827.	Do.
Do.	Cherry	Cody, village of	H 310263 01	do.	Mayor, Village Hall, Cody, Nebr. 69211.	Do.
Do.	Saline	Dorchester, village of	H 310271 01	do.	Mayor, P.O. Box 173, Dorchester, Nebr. 68343.	Do.
New Jersey	Bergen	Glen Rock, borough of	H 340038A 01	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., Glen Rock, N.J. 07452.	June 28, 1974. Jan. 30, 1976.
New York	Suffolk	Babylon, town of	H 360790A 01 through H 360790A 08	Commissioner, New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Babylon, 200 East Sunrise Highway, Lindenhurst, N.Y. 11757.	July 26, 1974. Jan. 30, 1976.
Do.	Dutchess	Beacon, city of	H 360217A 01 through H 360217A 06	do.	Mayor, City Hall, Beacon, N.Y. 12508.	July 26, 1974. Jan. 30, 1976.
Do.	Jefferson	Black River, village of	H 361525A 01 through H 361525A 05	do.	Mayor, Village Hall, Black River, N.Y. 13012.	Jan. 3, 1975. Jan. 30, 1976.
Do.	Westchester	Croton-on-Hudson, village of	H 360907A 01 through H 360907A 02	do.	Mayor, Municipal Bldg., Croton-on-Hudson, N.Y. 10520.	May 10, 1974. Jan. 30, 1976.
Do.	Schoharie	Esperance, village of	H 361542A 01	do.	Mayor, Village Hall, Esperance, N.Y. 12066.	Jan. 24, 1975. Jan. 30, 1976.
Do.	do.	Fulton, town of	H 361195A 01 through H 361195A 06	do.	Town Supervisor, Town of Fulton, Town Hall, Middleburg, N.Y. 12122.	Nov. 8, 1974. Jan. 30, 1976.
Do.	Cayuga	Ledyard, town of	H 360113A 01 through H 360113A 05	do.	Town Supervisor, Town of Ledyard, Town Clerk's Office, Aurora, N.Y. 13026.	July 19, 1974.
Do.	Sullivan	Liberty, town of	H 360823A 01 through H 360823A 09	do.	Town Supervisor, 25 Chestnut St., Liberty, N.Y. 12754.	June 21, 1974. Jan. 30, 1976.

RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Westchester	Ossining, village of.	H 361021A 01 through H 361021A 03 H 361237 01 through H 361237 04	do.	Mayor, 16 Croton Ave., Ossining, N.Y. 10562.	July 19, 1974. Jan. 30, 1976.
Do.	Washington	Salem, town of.	H 361237 01 through H 361237 04	do.	Supervisor, Town Hall, Salem, N.Y. 12865.	Mar. 26, 1976.
Do.	Jefferson	Theresa, town of.	H 360632A 01 through H 360632A 06	do.	Mayor, 307 Mill St., Theresa, N.Y. 13691.	Aug. 16, 1974. Jan. 30, 1976.
Do.	Delaware	Walton, village of.	H 360216A 01	do.	Mayor, 21 North St., Walton, N.Y. 13856.	May 17, 1974.
Do.	Orange	Warwick, village of.	H 360637A 01 through H 360637A 02	do.	Mayor, 77 Main St., Warwick, N.Y. 10990.	Mar. 29, 1974. Jan. 30, 1976.
Ohio	Wood	Grand Rapids, village of.	H 360585A 01	Director, Ohio Department of Natural Resources, Flood Insurance Coordinating Bldg., Fountain Square, Columbus, Ohio 43224. Director, Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Front St., Grand Rapids, Ohio 42522.	Mar. 1, 1974. Jan. 30, 1976.
Do.	Ashland	Loudonville, village of.	H 390009A 01 through H 390009A 02	do.	Mayor, 156 North Water St., Loudonville, Ohio 44842.	May 31, 1974. Jan. 30, 1976.
Do.	Carroll	Magnolia, village of.	H 390051A 01 through H 390051A 02	do.	Mayor, 228 North Main St., Magnolia, Ohio 44643.	May 3, 1974. Jan. 30, 1976.
Do.	Morgan	Stockport, village of.	H 390423A 01	do.	Mayor, Box 158, Stockport, Ohio 43787.	Aug. 30, 1974. Jan. 30, 1976.
Do.	Huron	Willard, city of.	H 390289A 01 through H 390289A 02 H 400054A 01 through H 400054A 08	do.	City Manager, 2 South Myrtle Ave., Willard, Ohio 44890.	Mar. 23, 1974. Jan. 30, 1976.
Oklahoma	Custer	Clinton, city of.	H 400054A 01 through H 400054A 08	Executive Director, Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, 415 Gary Freeway, P.O. Box 1167, City Hall, Clinton, Okla. 73001.	Jan. 23, 1974. Jan. 30, 1976.
Do.	Coal	Coalgate, city of.	H 400047A 01	do.	Mayor, 1 South Main, City Hall, Coalgate, Okla. 74538.	Dec. 28, 1973. Jan. 30, 1976.
Oregon	Harney	Burns, city of.	H 410084A 01 through H 410084A 02	Director, Executive Department, State of Oregon, Salem, Oreg. 97310.	Mayor, City Hall, Burns, Oreg. 97720.	Nov. 30, 1973. Jan. 30, 1976.
Pennsylvania	York	Newberry, township of.	H 422236A 01 through H 422236A 11	Commissioner, Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 97310. Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17129. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Supervisor, Township of Newberry, Rural Delivery 1, York Haven, Pa. 17370.	Oct. 18, 1974. Jan. 30, 1976.
Do.	do.	Penn, township of.	H 421025A 01 through H 421025A 02	do.	Township Manager, Township of Penn, 1016 York St., Hanover, Pa. 17331.	May 17, 1974. Jan. 30, 1976.
Do.	Crawford	Saegertown, borough of.	H 420352A 01	do.	Office of the Secretary, Saegertown, Pa. 16433.	June 21, 1974. Jan. 30, 1976.
Do.	do.	Titusville, city of.	H 420354A 01 through H 420354A 02	do.	Mayor, 197 North Franklin St., Titusville, Pa. 16354.	May 31, 1974. Jan. 30, 1976.
South Carolina	Hampton	Gifford, town of.	H 450099 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Main St., Gifford, S.C. 29923.	Mar. 26, 1976.
Tennessee	Giles	Pulaski, city of.	H 470067A 01 through H 470067A 06	Director of Local Planning, Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Commissioner, Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, 203 South First St., Pulaski, Tenn. 38478.	May 24, 1974. Jan. 30, 1976.
Texas	Burnet	Burnet, city of.	H 480062A 01 through H 480062A 02	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 127 East Jackson St., Burnet, Tex. 78611.	May 17, 1974. Jan. 30, 1976.
Do.	Van Zandt	Carlton, city of.	H 480632A 01 through H 480632A 04 H 480088A 01 through H 480088A 02	do.	Mayor, 200 East Tyler St., P.O. Box 245, City Hall, Canton, Tex. 75103.	May 10, 1974. Jan. 30, 1976.
Do.	Brown	Early, city of.	H 480088A 01 through H 480088A 02	do.	Mayor, City Hall, P.O. Box 3100, Early, Tex. 76801.	May 17, 1974. Jan. 30, 1976.
Do.	Comal	Garden Ridge, city of.	H 480148A 01 through H 480148A 02	do.	Mayor, City of Garden Ridge, Route 8, San Antonio, Tex. 78218.	Oct. 25, 1974. Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.....	Gray.....	McLean, city of...	H 480257A 01	do.....	Mayor, City Hall, 220 North Main, P.O. Box 9, McLean, Tex. 79051.	May 17, 1974. Jan. 30, 1976.
Do.....	Montague.....	Nocona, city of...	H 480482A 01 H 480482A 04 through H 480141A 01	do.....	Mayor, City Hall, 101 Cooke St., Nocona, Tex. 76255.	May 10, 1974. Jan. 30, 1976.
Do.....	Collin.....	Prosper, town of...	H 480141A 01 through H 480141A 02	do.....	Mayor, Town Hall, Prosper, Tex. 75078.	June 21, 1974. Jan. 30, 1976.
Do.....	Milam.....	Rockdale, city of...	H 480479A 01 through H 480479A 02	do.....	Mayor, 140 West Cameron, P.O. 586, City Hall, Rockdale, Tex. 76567.	May 10, 1974. Jan. 30, 1976.
Do.....	Williamson.....	Taylor, city of...	H 480670A 01 through H 480670A 04	do.....	Mayor, City Hall, Taylor, Tex. 76574...	Mar. 29, 1974. Jan. 30, 1976.
Utah.....	Salt Lake.....	South Jordan, city of.	H 490107A 01 through H 490107A 04	Director, Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, 1451 West 10400 South, South Jordan, Utah 84065.	July 26, 1974. Jan. 30, 1976.
Vermont.....	Windsor.....	Bethel, town of...	H 500143A 01 through H 500143A 17	Director Management and Engineering Division, Department of Water Resources, Vermont Agency of Environmental Conservation, State Office Bldg., Montpelier, Vt. 05602. Commissioner, Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Bethel Planning Board, Town of Bethel, Town Manager's Office, Bethel, Vt. 05032.	Feb. 8, 1974. Jan. 30, 1976.
Washington.....	Pacific.....	South Bend, city of.	H 530130A 01	Director, Department of Ecology, Olympia, Wash. 98501. Commissioner, Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, 108 Willapa Box 34, City Hall, South Bend, Wash. 98586.	June 28, 1974. Jan. 30, 1976.
Do.....	Yakima.....	Union Gap, town of.	H 530229A 01 through H 530229A 02	do.....	Mayor, 102 West Ahtanum Rd., Town Hall, Union Gap, Wash. 98903.	Jan. 9, 1974. Jan. 30, 1976.
West Virginia...	Hampshire.....	Capon Bridge, town of.	H 540046A 01	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1800 Washington St., Building 3, Room 643, Charleston, W. Va. 25305.	Mayor, Capon Bridge, W. Va. 26711...	Aug. 16, 1974. Jan. 30, 1976.
Wisconsin.....	Fond du Lac.....	Fairwater, village of.	H 550135B 01	Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Fairwater, Wis. 53331.	Nov. 8, 1974. Oct. 10, 1975. Jan. 30, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and

Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: February 5, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-4633 Filed 2-19-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1131]

[Docket No. AO-271-A20]

MILK IN THE CENTRAL ARIZONA MARKETING AREA; ORDER TO TERMINATE PROCEEDING

Decision on Proposed Amendments

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Central Arizona marketing area.

The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Phoenix, Arizona, on March 12, 1975, pursuant to notice thereof issued on February 19, 1975 (40 FR 7943).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on January 9, 1976 (41 FR 2093) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and rulings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Pool plant requirements for a plant operated by a cooperative association;
2. Cooperative association in its role as a handler of bulk tank milk; and
3. Whether a plant with limited route disposition in the Central Arizona marketing area and regulated under a California milk order should be exempt from regulation under the Central Arizona milk order.

This decision deals only with issue No. 3. Issues Nos. 1 and 2 were considered in a previous decision on this record.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

3. Whether a plant with limited route disposition in the Central Arizona marketing area and regulated under a California milk order should be exempt from regulation under the Central Arizona milk order. The provisions of the Central Arizona milk order specifying the treatment to be accorded a partially regulated distributing plant (a plant with route

disposition, except filled milk, in the marketing area amounting to less than 25 percent of its receipts of fluid milk products, except filled milk, from dairy farmers and milk plants or 600 pounds or less per day) should not be modified on the basis of this record.

The Central Arizona milk order presently provides that the operator of a partially regulated distributing plant incurs no obligation under the order, except for reporting and payment of administrative assessment on the volume of fluid milk products disposed of within the marketing area, if the payments by the operator of such plant to his dairy farmers and to the producer-settlement fund of any other Federal order are not less than the pool obligation he would have incurred if his plant had been a fully regulated plant under this order. A plant operator whose payments for milk received are less than his obligation would have been as a fully regulated handler may pay such difference to his dairy farmer suppliers or to the producer-settlement fund.

The order provides, in the alternative, that the operator of a partially regulated distributing plant incurs no pool obligation if he purchases from any Federal order source an amount of milk classified and priced as Class I milk equivalent to the amount of his fluid milk sales within the marketing area, provided that such purchased milk has not been used to offset any other payment obligation under any other Federal order.

As a further alternative, the operator of a partially regulated distributing plant may elect to pay to the producer-settlement fund the difference between the Class I price and the blend price of the order (both prices adjusted to the location of the plant) on each hundred-weight of fluid milk products distributed in the marketing area in excess of his purchases of milk classified and priced as Class I milk under any Federal milk order.

Safeway Stores, Inc., supported several proposals each of which was directed to relieving the firm of any financial obligation under the Central Arizona order with respect to the distribution within the marketing area of fluid milk products from its nonpool plant located in Los Angeles, California. (Safeway also operates a fully regulated pool plant located in Phoenix, Arizona.) The Los Angeles plant, because of its broad area of distribution, is a partially regulated distributing plant under both the Central Arizona and Lake Mead orders.

Specifically, Safeway initially proposed that any plant which disposes of less than 2 percent of its total volume of Class I milk in the Central Arizona marketing area be exempt from regulation if such plant is fully regulated by another Federal order or by a State order with purpose and terms essentially similar to those in the Central Arizona order. Since full regulation under another Federal order is presently a basis of exemption for a plant under the Central Arizona order, the essence of this proposal is exemption of a plant regulated under a State order.

At the hearing Safeway supported its original proposal as set forth in the hearing notice, but subsequently modified its position and supported provisions which would exempt from regulation (1) any plant partially regulated under any other Federal order if such plant distributes a greater quantity of milk in such other order marketing area than in the Central Arizona marketing area, or (2) any plant partially regulated under another Federal order which distributes less than 2 percent of its total volume of Class I milk in the Central Arizona marketing area.

Safeway's Los Angeles plant currently processes approximately 27 million pounds of fluid milk products per month. About 97 percent of the plant's receipts is being utilized as Class I milk. At the time of the hearing the plant's only route (Class I) disposition in the Central Arizona market was in Yuma, Arizona, which is located in the extreme western portion of the marketing area. The plant's Class I sales in that area averaged 190 thousand pounds per month. The plant also has route distribution of approximately 1.4 million pounds monthly in the Lake Mead marketing area, which includes the cities of Las Vegas, Nevada; and St. George and Cedar City, Utah. The plant also is regulated under an order promulgated and administered under the laws of the State of California.

A witness representing the proponent handler testified that all milk received at the Los Angeles plant is priced on a classified use basis under the California Pricing Plan. Proponent stated that under the current provisions of the California order and the Federal order Safeway is required to pay the higher of the California or the Federal order prices on its sales within the Central Arizona marketing area.

Proponent testified that during the first 6 months of 1974 Safeway's payments to the producer-settlement fund of the Central Arizona order averaged

\$2,200 per month. Since June of 1974, however, it has had no payment obligation to the Central Arizona producer-settlement fund because the prices which have prevailed under the State order have been higher than the Federal order price.

The provisions of the Central Arizona order prescribing the obligations of a partially regulated distributing plant are based upon the record of a public hearing held in Denver, Colorado, on January 14-18, 1963. The Denver hearing was one of several sessions held throughout the country to consider amendments to most of the then existing Federal orders with respect to the marketing of milk in each of such regulated markets or its supply system from sources not fully regulated under the respective orders. The options afforded the operator of a partially regulated distributing plant under the Central Arizona order are identical to those simultaneously adopted under the 64 Federal milk orders under consideration providing for marketwide pooling.

The 1963 hearing dealt generally with two issues: (1) The treatment to be accorded unregulated milk distributed in a regulated market or received at a regulated plant from a plant not regulated by any Federal milk order (plants subject to some State minimum price regulations at the producer level were included in the category of unregulated plants); and (2) the treatment of milk distributed in a federally-regulated market or received at a federally regulated plant from a plant subject to full regulation under another Federal order. A final decision on these matters was issued on June 19, 1964 (29 FR 9214), of which official notice is taken.

The 1964 decision concluded that the provisions of each Federal order must provide some means for integrating into the regulatory scheme unregulated milk sold for fluid use in such Federal order market in competition with milk classified and priced under the order. The findings of such decision pointed out that unregulated handlers would normally have a competitive advantage over the operators of fully regulated plants in the disposition of higher valued Class I milk in regulated marketing areas. It was concluded, therefore, that unless some method was provided for removing such competitive advantage, inequities would have such disruptive effects as to negate completely the purpose sought to be achieved by milk orders pursuant to the basic statute.

Under the provisions adopted in the 1964 decision the operator of a partially regulated distributing plant incurs no pool obligation on sales in a Federal order marketing area if he shows that payment for his total milk supply has been at least as much as his payment obligation would have been if his plant were fully regulated under such order (referred to as option (a) in such decision). The basis for that procedure was stated in the decision as follows:

"If the operator of the unregulated distributing plant elects to show that he has complied with option (a) above, it

will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords him competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I, whether inside or outside the marketing area, at the Class I price established by the order. The operator of the unregulated distributing plant will show that he has also paid at least the equivalent of the order Class I and Class II prices for milk utilized in these respective classes. This option provides a meaningful determination of actual pay prices for milk by such an operator for comparison with order values."

The above option particularly accommodates operators who, because of State regulation of milk prices, pay their dairy farmers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. When such operator pays for his total milk supply as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for all of his milk will assure that the integrity of the regulatory plan has been protected.

The 1964 decision also provided the operator of a partially regulated distributing plant the option of purchasing milk for his marketing area needs from a source fully regulated under any Federal milk order. It concluded that such option afforded the operator of a partially regulated distributing plant an opportunity to sell in a regulated area on a basis of competitive equity with respect to such sales. The decision stated that the equivalent of the milk which the partially regulated distributing plant distributes in the marketing area would be fully priced Class I milk since the plant operator presumably would have purchased such milk on the same basis as any other handler who purchases milk for sale as Class I milk within the regulated market. Since the milk purchased would have been fully regulated under some Federal milk order, this procedure was concluded to afford adequate protection of the regulatory plan.

The decision additionally provided a third option which also was contemplated to afford the operator of a partially regulated distributing plant competitive equity with respect to his sales within the regulated area and protect the integrity of the regulatory scheme under certain conditions. The plant operator may limit his pool obligation by making payment to the producer-settlement fund on his sales within the marketing area at a rate equal to the difference between the Class I price and the blend price of the market for the month when the sale is made.

In essence, this option fixes a value of the sale at the Class I price and assumes payment to dairy farmers at the blend price of the market. It also assumes that all milk purchased by such distributor is for Class I use.

If the operator of an unregulated distributing plant actually pays as much as the blend price to his dairy farmers and if the milk distributed in the regulated market is not in fact surplus to his normal operations, the payment of a Class I price minus the market blend price on his marketing area sales will tend to protect the regulatory scheme.

Finally, the 1964 decision provided an additional and fourth option to a partially regulated distributing plant on its Class I sales made within the regulated market. The operator of such plant is given the opportunity of using any combination of the second and third options discussed above. For example, the operator may elect to purchase some Class I milk priced under a Federal order and make payment to the producer-settlement fund, on that milk sold as Class I within the regulated area in excess of the quantity of regulated milk purchased, at a rate equal to the difference between the Class I price and the blend for the regulated market.

As previously indicated, the operator of a partially regulated distributing plant is exempt from all provisions of the Central Arizona order (except for the filing of reports and payment of the administrative assessment on the volume of Class I sales in the marketing area) during those months in which he pays his dairy farmers a utilization value for all milk received at the plant which is equal to or in excess of what his pool obligation would have been if the plant had been fully regulated under the Federal order. Thus, Safeway's plant has no additional obligation under the order during those months in which its plant is obligated under California State regulation to pay a utilization value that is equal to or in excess of what the plant's obligation would have been if it had been fully regulated under the Central Arizona order. The impact of the partially regulated plant provisions of the Central Arizona order on the Safeway operation has been moot since June 30, 1974, because of the higher prices prevailing under the California State regulations. However, this situation could change at any time as a result of price adjustments under either the State or Federal order.

It is quite apparent from the nature of proponents proposals and his testimony at the hearing that his purpose is to gain immunity from any pool obligation under the Arizona order. Thus, he urged that he be exempted from even partially regulated status as long as his sales in the regulated market were less than 2 percent of his total Class I sales. If he should exceed the 2 percent limit, he indicated he appropriately should be treated as a partially regulated handler—presumably under the present provisions which he suggests are not in ac-

cordance with law under the courts decision in the Lehigh case.

The 2 percent limit proposed by proponent would permit him essentially to double his market area sales without jeopardizing his exempt status, notwithstanding that his present distribution is a substantial portion of the total Class I sales in the Yuma segment of the market. As previously indicated, proponents sales in the Yuma area now average 190,000 pounds monthly. This is approximately 14 percent of the total Class I disposition by all handlers in this segment of the market.¹

It is evident from the record that, in the absence of any payment obligation under the order, proponent would have had a substantial competitive advantage over Central Arizona handlers in competing for fluid milk sales in Yuma during the months of January through June 1974. In the absence of any payment obligation during that period, proponent's cost per hundredweight for fluid milk products distributed in the Central Arizona marketing area would have been \$8.61 for the months of January through March and \$9.81 for the months of April through June. During that same period the Class I price obligation of a fully regulated handler under the Central Arizona order at the Los Angeles plant location would have been: \$9.79 in January, \$10.09 in February, \$10.25 in March, \$10.29 in April, \$10.30 in May, and \$9.88 in June.

In any situation where Safeway's obligation under the California regulation is significantly less than the obligation it would have incurred as a fully regulated handler under the Arizona Federal order, it can be expected that Safeway would elect to pay the difference between the Federal order Class I price and the blend price on its in-area sales. During the months of January through June 1974, Safeway incurred a payment obligation under the Central Arizona order on its marketing area sales averaging \$1.16 per hundredweight. On a monthly basis the plant's total payments averaged \$2,200. Such payments made by Safeway on only its Class I sales in the Central Arizona marketing area is the equivalent of a payment of \$0.008 per hundredweight on the plant's total Class I sales. Had Safeway chosen to pay the full use value for all of its milk at the Central Arizona order prices, the plant's obligation during such months would have ranged from a low of \$.07 to a high of \$1.64 per hundredweight on all milk in Class I uses at such plant.

A rate of payment by Safeway at the difference between the Class I and blend price may appear to result at times in a cost on that Class I milk disposed of in the marketing area in excess of that of

fully regulated handlers. It must be recognized, however, that the choice for settlement with the pool on the basis of a payment of the difference between the Class I and blend prices on market area sales was elected by the handler in lieu of the other alternative options available to him. As a result, his total cost for all of his milk, through election of this option, was significantly less than the obligation which would have been incurred by paying for his milk as through he were a fully regulated handler. It is exactly for this reason that the handler would elect to make payment at the difference between the Class I and the blend price.

When the partially regulated handler elects to pay his producers at least the full value of his utilization computed at the Federal order prices, this can be verified only by following the same procedures of audit and verification which prevail with respect to fully regulated handlers. The audit and verification procedure which must be carried out in the case of the Safeway plant in such circumstances is essentially no different than that which is used in audit of a fully regulated handler. Notwithstanding, on the basis of the current maximum assessment rate under the order, Safeway's administrative assessment obligation, which accrues only on its average in-area sales of 190,000 pounds, is \$76 monthly, whereas a fully regulated handler with a total volume of milk receipts equal to Safeway's total volume of receipts would incur an administrative assessment obligation of \$10,800. This results because, regardless of the option chosen, the partially regulated distributing plant operator pays administrative assessment only on his marketing area distribution. This special treatment of a partially regulated handler is followed to insure that such individual's choice of obligation option is made solely on the basis of comparative cost of his milk, per se.

The fully regulated plant operator is required to equalize through the pool both his in-area and out-of-area sales and, in addition, must pay the administrative assessment on all of his producer receipts and on other source milk (except other order milk) disposed of for Class I use. Because the operator of a partially regulated distributing plant does not have to pay an administrative assessment on his out-of-area sales, Safeway has a competitive advantage over fully regulated handlers, irrespective of the option chosen.

Furthermore, because the operator of a partially regulated plant does not equalize his utilization value with that of fully regulated handlers, the operator of a California-based plant has the option to pay directly to his dairy farmer patrons the amount by which the plant's utilization value computed on the basis of the Federal order prices exceeds the plant's utilization value under State regulation. When this option is chosen, the operator of a plant with a high Class I utilization can reasonably be expected to have an advantage in the solicitation of producers in competition with fed-

erally regulated handlers. There are relatively few California-based dairy farmers holding producer status under the Central Arizona order. Nevertheless, to the extent that regulated handlers do procure milk from California-based dairymen, they do so in competition with Safeway and other partially regulated handlers who have a procurement price advantage.

When a payment is required under the Central Arizona order of the operator of a California-based partially regulated distributing plant, it may be occasioned by a product cost advantage as a result of having a lower Class I price or the consequence of a lower surplus price(s). Reserve milk prices in Federal order markets are generally uniformly established on the basis of the Minnesota-Wisconsin manufacturing milk pay price in recognition that manufactured products compete on a national market. Products manufactured by California State regulated plants compete with manufactured products processed from non-Grade A milk in the Minnesota-Wisconsin area as well as products processed from Federally regulated milk. It is obvious, therefore, that any difference in applicable prices as between a partially regulated plant located in California and a fully regulated plant, whether it is the result of a Class I or surplus price difference, can be directed by the partially regulated distributor into a price advantage for purposes of competing for Class I sales in the Federally regulated market. For this reason, the payment by the operator of a partially regulated distributing plant for his total milk supply equivalent to what his payment obligation would have been if his plant were fully regulated under the Central Arizona order, is the option provided under the order which most completely insures full equity between handlers operating pool plants and handlers operating partially regulated distributing plants under the order.

There is no way to treat unregulated milk equally with regulated milk other than to regulate it fully at the plant of first receipt from producers. This is the stage of the marketing system at which minimum order prices apply. The average price paid for all milk received at an unregulated plant has significance when compared to the minimum class prices of an order only as the utilization of all such milk is known. Short of full regulation, any treatment of unregulated milk can at best only approach equality of treatment with regulated milk.

One way to minimize the quantities of unregulated milk entering the marketing area would be to provide the most minimal of performance standards for regulation of plants. But this could vitiate the effectiveness of the orders in inducing adequate supplies of milk at order prices or would unnecessarily involve in total regulation plants from which only small quantities of milk are distributed in the regulated market. Either of these consequences would render more difficult the attainment of the ends sought by the statute.

¹ Computed on the basis of an estimated yearly per capita consumption of fluid milk and cream (240 pounds) and the July 1, 1974, provisional estimate of Yuma County population (67,800). Official notice is taken of the Bureau of the Census publication, "Estimates of the Population of Arizona Counties and Metropolitan Areas: July 1, 1973, and 1974"; series P-26, issued April 1975.

The existing partially regulated plant provisions included in Federal orders generally were developed to accommodate the varied circumstances in which unregulated milk may enter the regulated markets. The potential distribution within a Federal milk marketing area from a plant regulated under a State order, such as Safeway in this market, was recognized as a viable possibility and was accommodated through the alternative options then provided.

Safeway's plant at Los Angeles is but one of several plants that the company operates under the California State regulation which could have sales in federally regulated markets. In addition there are a number of other plants under California regulation, variously owned and operated, which potentially could establish distribution in the Central Arizona market.

The State of California cannot be effective in pricing milk received from plants located outside the State since it has no authority in this area. Accordingly, there always exists the potential that unpriced milk from other states, including the State of Arizona, could be distributed in the Central Arizona market through a California plant. Further, there are significant differences in the classification and pricing scheme employed by the State of California and the Central Arizona milk order to the end that significantly different total price obligations can and at times do apply as between the State and Federal regulations. Consequently, the regulation of Safeway's Los Angeles plant under California's laws provides no assurance that the classification and pricing accorded the milk received at such plant under such regulation is compatible with the provisions of the Central Arizona order.

Proponent's business, as a partially regulated handler, is preponderantly outside the market in competition with dealers similarly located purchasing milk under essentially similar conditions and circumstances. Its marketing area business is currently not of a magnitude which would pose a serious threat to continuing orderly marketing as long as means are provided for essentially neutralizing any price advantage that such handler might otherwise enjoy. Thus, the payment of the difference between the order Class I and blended prices on in-area sales, which option proponent has always elected, is an appropriate means of insuring reasonable equity among competing handlers regardless of whether Safeway's lower milk cost results from a lower Class I or a lower surplus price.

Proponent handler, because of the unique position he enjoys in the market by virtue of operating a fully regulated plant at Phoenix in addition to his partially regulated plant at Los Angeles from which he competes for sales in Yuma with Phoenix-based handlers, has an additional viable option available to him. Safeway could elect to serve the Yuma area from its fully regulated plant at Phoenix which is located 75 miles closer to Yuma than its Los Angeles

plant. At present, Safeway does not make distribution in the Yuma area directly from its Los Angeles plant but instead makes such distribution through a facility located at San Diego, California. As a consequence of the shipment of milk through the San Diego distribution point, the total distance involved in the movement of milk from the Los Angeles plant to Yuma is 300 miles, a distance approximately 106 miles farther than if distribution in the Yuma area was made through the Phoenix plant. Alternatively, Safeway could elect to transfer Class I milk from its fully regulated plant to its partially regulated plant to offset its in-area Class I sales.

Proponent alternatively proposed exemption from payment on any in-area sales in the Central Arizona market by a partially regulated distributing plant if such plant is also a partially regulated plant under any other Federal milk order. This proposal presumably is based on the fact that the Los Angeles plant is a partially regulated plant under the Lake Mead Federal order by virtue of distribution of approximately 1.4 million pounds of Class I milk monthly in that market.

The proposal in effect adopts the treatment accorded fully regulated plants throughout the Federal order system whereby plants doing business in, and meeting the pooling requirements of, more than one order are pooled under that order covering the market in which the greater distribution is made. Such a plant is then free to distribute in other regulated markets without further regulation or pricing.

The classified pricing plan generally applicable to milk orders issued by the Secretary establishes under each such order one level of price for milk which is sold for fluid consumption and another lower price, or prices, for the necessary reserve of the market which is disposed of in lower-valued manufactured products. It is intended that the price level effective under each particular order shall bring forth a supply of milk adequate to meet the demands for fluid use in the regulated marketing area.

The Act is specific that no marketing agreement or order applicable to milk and its products in any marketing area shall prohibit or in any manner limit, in the case of the products of milk, the marketing in that area of any milk or product thereof produced in any production area in the United States. Accordingly, milk which has been fully classified and priced under an order issued by the Secretary in compliance with the standards of the Act may not appropriately be subjected to additional pricing under another order also issued by the Secretary. For this reason, a fully regulated handler under one Federal milk order is free to distribute milk in other regulated markets without regard to whether the prices fixed under the orders regulating such other markets are higher or lower than the prices fixed under the order under which the handler is regulated.

In establishing the level of price in each Federal order market, consideration

is given to prices being paid for milk in competing adjacent markets. Under usual circumstances, the variation in basic prices for milk of similar quality and use in various Federal order markets reflect to a substantial degree differences in transportation costs. However, these basic prices may also reflect or may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. This general alignment of prices as between orders tends to maintain equity among competing handlers in their product costs.

The fact that a partially regulated plant may have paid its dairy farmer suppliers the equivalent of the price established for one of the Federal order markets where it does business cannot be a basis for exemption in another higher priced Federal order market. Proponent testified that in doing business in the Lake Mead market Safeway has, by payment of its obligations under the California regulation, always met the payments which would have been required of it as a fully regulated handler under the Lake Mead order. Hence, the plant has never had a compensatory payment obligation under that order. However, another California plant meeting the identical payment obligations under the California regulation but with no distribution in the Lake Mead market would, nevertheless, incur an obligation on its distribution in the Central Arizona market identical to that which proponent seeks to avoid on the premise that his obligation under State regulation equals or exceeds the obligation he would have incurred as a fully regulated handler under the Lake Mead order.²

The fact that a partially regulated distributing plant had paid a utilization value for its receipts at least equal to the obligation it would have incurred as a fully regulated plant under a particular Federal order provides no assurance that the plant's costs for milk would approximate the cost of similar receipts for those handlers fully regulated under the Central Arizona order. On the basis of the current Class I price differentials of the Central Arizona and Lake Mead orders, it would be possible for Safeway's plant at Los Angeles, because it had paid for its receipts under California regulation an amount equivalent to the classified use value of such receipts under the Lake Mead order, to have a competitive advantage relative to Phoenix handlers in making Class I sales in the Yuma, Arizona, area amounting to as much as \$1.355 per hundredweight. Such competitive advantage would result because Safeway's Arizona competitors who are located primarily in the Phoenix area are

² Official notice is taken of a release issued April 23, 1975, by the market administrator of the Central Arizona order entitled "List of Handlers" indicating that in addition to Safeway's Los Angeles plant there are two other California plants which are partially regulated distributing plants under the Central Arizona order, namely: Alpha Beta Company, 777 S. Harbor Blvd., La Habra, CA; and Alta-Dena Dairy, 637 S. Hambledon Ave., City of Industry, CA.

required to pay a utilization value on their Class I sales on the basis of a Class I differential of \$2.52 per hundredweight whereas the Los Angeles plant's obligation on its Class I sales based upon the utilization values under the Lake Mead order would be \$1.165 cent (1.60 differential on Class I milk at the Las Vegas basing point less a location adjustment of \$0.435 cents).³

Under proponent's proposals, a partially regulated distributing plant which met its obligation under another Federal order either by virtue of paying to the pool and/or its dairy farmer patrons the full use value of all of its milk on the basis of the class prices specified in such order, or by making payments to the producer-settlement fund of such order at a rate equal to the difference between the Class I and the blend price of that order on fluid milk distributed within the marketing area of such other order, would be exempted from any price obligation on its more limited Class I sales within the Central Arizona market. Clearly, such an exemption could not provide equity as among handlers doing business in the Central Arizona market.

As previously pointed out, equity among handlers can be achieved only under circumstances where a plant is subject to full regulation and pricing. The treatment accorded a partially regulated distributing plant can only approach equality with regulated milk when the plant's obligations are related to the class prices in each of the regulated markets in which it has Class I sales. Thus, it is possible and not uncommon that a partially regulated plant may have payment obligations in the several regulated markets where it does business. The only concession which appropriately need be made under each respective order is to recognize purchases of milk from Federal order sources to offset sales in the regulated market and any payments made to producer-settlement funds of other orders in computing a partially regulated plant's pool obligation under a particular order. The fact that payments may be required under more than one order, or that a payment may be required under one order but not another, is neither unreasonable nor inequitable.

Proponent's proposal for exempt status for a distributing plant which does not meet the requirements for pool plant status but which has limited Class I sales within the Central Arizona marketing area also does not comport with the requirements of the Act. The proposal would condition exemption on a distributing plant's Class I sales within the Central Arizona marketing area being either less than 2 percent of the plant's total Class I sales or less than such plant's Class I sales in any other Federal order marketing area. There is no apparent logic for such procedure other than the fact that its adoption would provide exemption from regulation for proponents until such time as sales

within the marketing area at least doubled the current level of 190,000 pounds per month.

Proponent expressed concern regarding provisions of the Central Arizona order which, he indicated, provided, a Class I price at a plant located at Yuma 17 cents less than the Class I price for plants located at Phoenix. It is true that the provisions of the order would provide a location adjustment of approximately 17 cents per hundredweight at the Yuma location. However, there are no plants located at Yuma, Arizona. Instead, proponent's fully regulated competitors operate plants located in and around Phoenix where the order obligation for Class I milk is 37 cents higher than the order price applicable at Los Angeles. Thus, for regulated handlers, hauling costs from Phoenix to Yuma become an additional out-of-pocket cost while Safeway has a 20-cent allowance under the order to cover cost of hauling from Los Angeles to Yuma.

For the foregoing reasons and considerations, it is concluded that the provisions relating to the treatment of partially regulated distributing plants with route disposition in the marketing area should not be modified. Therefore, the various proposals to modify such provisions are hereby denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

RULINGS ON EXCEPTIONS

No exceptions were filed.

TERMINATION ORDER

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order should be and is hereby terminated.

Signed at Washington, D.C. on:

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 76-4857 Filed 2-19-76; 8:45 am]

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Supplemental Notice of Proposed Rulemaking

In the January 6, 1976 issue of the *FEDERAL REGISTER* (41 FR 1078), the Food and Nutrition Service published a notice

of proposed rulemaking which would revise Part 225 of the regulations governing the Summer Food Service Program for Children.

This document supplements the notice of proposed rulemaking to (1) add a separate section dealing with State administrative funds and prescribing provisions under which States receive these funds, (2) add a new section providing for a Program management and administration plan. This document also announces the Department's intention to make available to State agencies the initial allocation of administrative funds no later than January 30, 1976.

It is proposed that § 225.6(c) as set out in the January 6 *FEDERAL REGISTER* be deleted in the final regulations. The proposed new sections will be incorporated in appropriate places.

Written views, arguments and data will be considered in the same manner as provided for in the notice of proposed rulemaking published January 6.

The proposed new sections are as follows.

1. Distribution and use of State administrative funds.

(a) For each fiscal year, the Secretary shall pay to each State agency for administrative costs incurred in the Program, an amount equal to 2 percent of the total Program funds disbursed to the State: *Provided, however*, That no State to which \$50,000 or more is disbursed shall receive less than \$10,000.

(b) Administrative expense funds paid to any State shall be used by State agencies to employ personnel, including travel and related expenses, to supervise and give technical assistance to service institutions in their initiation, expansion, and conduct of any food service for which Program funds are made available. State agencies may also use administrative expense funds, in an amount approved by FNS for their general administrative expense in connection with the Program.

(c) Not later than January 30, 1976, and not later than October 1 of each fiscal year thereafter, the Secretary shall make available to each State agency by Letter of Credit an initial allocation of administrative funds not to exceed one-third of 2 percent of the funds properly payable to such State agency in the previous fiscal year under the Program, or in the previous calendar year under the summer portion of the Special Food Service Program for Children, or one-third of \$10,000, whichever is applicable. For States which did not participate in the Program, or the summer portion of the Special Food Service Program for Children, the previous year, an initial amount, as determined by the Department, shall be made available not later than January 30, 1976, and not later than October 1 for each fiscal year thereafter.

(d) For each fiscal year, an additional amount of administrative funds shall be released upon the receipt and approval by FNS of the State's Program management and administration plan provided for in this part. The amount of such funds, plus the initial allocation, shall not exceed two-thirds of 2 percent of the

³ Official notice is taken of the Lake Mead (Part 1139) order.

Program funds, or two-thirds of \$10,000, whichever is applicable, needed for reimbursement payments. The balance of the administrative expense funds needed by a State for any fiscal year, not to exceed 2 percent of the Program funds paid or payable or \$10,000 whichever is applicable, to the State for that fiscal year, shall be paid to the State not later than July 15 of each fiscal year.

(e) Each State agency shall report to the Department information on the use of Program funds and administrative funds for additional personnel and for general administrative expenses, on a form provided by FNS, not later than November 30 of each fiscal year. The Department will then make any adjustments necessary prior to the next payment of administrative funds.

2. Program management and administration plan.

(a) Not later than March 15, 1976 and not later than February 15 of each fiscal year thereafter, each State agency shall submit to FNS for approval, a Program management and administration plan for the current fiscal year. Approval of the plan by FNS shall be a prerequisite to the payment of Program funds, or to the donation by the Department of any commodities for use in the Program. The Plan shall include as a minimum:

(1) How the State plans to use Program funds and funds from within the State to the maximum extent practicable to reach needy children.

(2) Estimated number of service institutions eligible to participate, and estimated number of sites and average daily attendance.

(3) Estimated number of service institutions expected to participate, and estimated number of sites and average daily attendance.

(4) Estimated number of eligible service institutions operating 25 or more sites and average daily attendance.

(5) Estimated amount of Program funds by month needed for reimbursement payments.

(6) Estimated amount of State funds needed to operate the Program.

(7) Number of service institution training sessions planned and number of reviews planned.

(8) The State agency budget on the use of Program and State administrative funds including, but not limited to, staffing (part-time and full-time), salaries, travel, and per diem.

(9) The actions to be taken by the State agency to maximize the use of school food service facilities.

(10) The actions to be taken by the State to ensure that Program sites serve areas of economic need.

(11) The actions to be taken by the State to ensure compliance with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15).

(12) The State's plan for meeting its audit and monitoring responsibilities.

In fiscal year 1977 and subsequent fiscal years the plan shall also include data for the prior fiscal year on the number of service institutions and number of reviews and audits performed as well as a detailed breakdown of how the administrative funds were spent.

(b) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. A period of 45 days from the date of receipt of the plan shall be afforded to make such comments.

(Catalog of Federal Domestic Assistance Program No. National Archives Reference Services)

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 18, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-4994 Filed 2-19-76; 8:45 am]

Forest Service [36 CFR Part 221]

TIMBER

Transfer of Unused Effective Purchaser Road Construction Credit

Pub. L. 94-154 enacted December 16, 1975, provides that, the Secretary of Agriculture is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused Effective Purchaser Credit for road construction earned after the date of enactment of said legislation from one timber sale to a Purchaser to another timber sale to the same Purchaser within the same National Forest.

To carry out the intent of the legislation, the following typical timber sale contract provision is proposed for new contracts and modifications of existing contracts:

C4.211—Transfer of Purchaser Credit (3/76). Upon Forest Service's approval of Purchaser's written request, Effective Purchaser Credit earned after December 16, 1975, shall be transferred from this contract to Purchaser's other timber sale contracts within the same National Forest (36 CFR 221.7). Such approval may not be given if Purchaser has unfulfilled payment obligations under B4.4, B7.4, B9.3, B9.4, or B9.5, or if the amount to be transferred is less than \$500.

Purchaser Credit transferred from this contract determined to be unusable (ineffective) to meet charges under terms of this contract shall be replaced under B4.2 in a like amount by cash payments, Purchaser Credit from other contracts, or any combination of the two, in addition to cash payments to meet charges at Base Rates.

Purchaser Credit transferred to this contract from other contracts may be used to meet subsequent charges in accordance with B4.2 except that Purchaser shall make cash payments for any amount above Base Rates

needed to accomplish cultural work in accordance with the original sale area betterment plan. Transfer of Purchaser Credit to or from Timber Sale Account shall be made monthly or at longer intervals as requested by Purchaser.

All persons who wish to submit written data, views or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Timber Management, South Agriculture Building, Room 3211, Washington, D.C. 20250, on or before March 12, 1976.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Timber Management during regular business hours.

Notice is hereby given that under said Law, the Secretary of Agriculture proposes to amend § 221.7 of Title 36, Code of Federal Regulations by adding paragraph (g) to read as follows:

§ 221.7 Appraisal and contract conditions.

(g) For timber sales with an advertised value exceeding \$2,000, the Forest Service may permit transfer of unused Effective Purchaser Road Construction Credit earned after December 16, 1975, from one timber sale account to another timber sale account to the same Purchaser within the same National Forest. Purchaser Credit transferred under this paragraph may be deducted from subsequent stumpage payments due from Purchaser under a timber sale contract to which a transfer is made, for other than contract Base Rates, required deposits or any amount above Base Rates needed to accomplish cultural work in accordance with the original timber sale plan.

To assure protection of the United States in connection with the implementation of this Regulation, contract provisions shall not prevent the Forest Service from carrying out collection rights authorized by the Claims Collection Act.

As used in this paragraph, the term "Purchaser" includes any single individual, corporation, company, firm, partnership, joint venture, or other business entity or the successor in interest of any of the foregoing business entities, having timber sale contracts on the same National Forest. The term "National Forest" shall be considered as a unit of the National Forest System, regardless of how it was established, which maintains a separate identity with respect to the distribution of receipts earned thereon to States and counties. The term "Effective Purchaser Credit" means unused Purchaser Credit which does not exceed contract value minus Base Rate value.

(Pub. L. 94-154, 89 Stat. 823 (16 U.S.C. 535))

ROBERT W. LONG,
Assistant Secretary.

FEBRUARY 13, 1976.

[FR Doc.76-4858 Filed 2-19-76; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 32]

REGULATION OF COMMODITY OPTION TRANSACTIONS REGISTRATION; FRAUD

Notice of Proposed Rulemaking

The Commodity Futures Trading Commission (the "Commission") has decided that the public interest requires that it put into effect regulations under Section 4c(b) of the Commodity Exchange Act (the "Act"), as added by Section 402 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act"), 7 U.S.C. § 6c(b), relating to commodity options. The Commission is cognizant of the fact that transactions in the commodity option area have been, are, and continue to be, entered into without there being in effect comprehensive and substantive regulations to protect the public from abuses or potential abuses.¹ Accordingly, the Commission is publishing for comment the regulations which accompany this FEDERAL REGISTER notice.

The Commission wishes to stress, at the outset, two salient points:

First, the Commission expects to receive recommendations from its Advisory Committee on the Definition and Regulation of Market Instruments by no later than March 30, 1976. After the Commission has had an opportunity initially to evaluate those recommendations and the oral and written comments it receives on the proposed rules, the Commission will determine whether it will require additional time to study the recommendations and comments in order to evaluate the extent to which they should be included as part of a permanent regulatory program. If the Commission believes that such additional time is required, the proposed rules may be adopted as interim and temporary rules only. Commentators should also be aware that although the proposed regulations relate to transactions which are not entered into on a contract market, the Commission is affirmatively considering permitting commodity option transactions to be traded on or subject to the rules of a contract market which have been approved by the Commission as adequate to effectuate the purposes of the Act. The Commission would particularly welcome comments on what standards (differing from or similar to those proposed) should be applied if such transactions are so traded under the protections of a clearing association of a contract market. Trading on contract markets is a distinct possibility; two contract markets have already applied for designation to trade commodity options. Ultimately, the Commission may adopt regulations which restrict commodity option transactions to trading on contract markets.

¹ The Commission has adopted broad anti-fraud rules in the commodity option area. See 17 C.F.R. § 30.01. The Commission believes, however, that a comprehensive regulatory program is necessary to carry out its responsibilities under the Act and, in this way, effectuate the remedial purposes of the statute.

Second, the comment period with respect to these proposed rules will extend to March 31, 1976, and, although not required, the Commission has determined to hold an oral hearing on March 8th and 9th to permit additional presentations and comment on the matter. Allowing for a period to evaluate both the oral and written comments and the recommendations of its Advisory Committee, it is expected that the regulations, as appropriately modified, will be promulgated on or before April 15, 1976. The Commission has determined that it is in the public interest that regulations be put into effect in the shortest possible time in light of the fact that the Commission believes a situation exists requiring definitive public protection. By the procedure proposed, the Commission will have afforded all interested parties the fullest opportunity to provide meaningful comment, whether oral or written, consistent with its obligation to have definitive regulations in place in the shortest possible time. The Commission urges all affected parties to begin now to compile the necessary information and data required to apply for registration under the proposed rules. The Commission believes that the processing of applications will take 30-45 days at a minimum. The Commission will act on applications in the order in which they are filed, and wishes to remind prospective registrants that if the regulations are adopted as proposed, the net working capital rule [see Section 32.2(a)] will go into effect on April 15, 1976, and, more significantly in this context, it will be unlawful from and after May 28, 1976, for transactions to be offered or entered into by a commodity option dealer unless such person is registered with the Commission. The registration process takes time and, accordingly, prospective registrants should take the necessary steps to file their applications as soon as possible. If the Commission is unable to complete the processing of an application by May 28, 1976, it may, under the exemptive provisions of the proposed rules, grant (on request or on its own motion) a temporary exemption from registration until processing is completed. However, no such exemptions will be granted for those whose applications are not filed in time to enable the Commission to conduct at least a preliminary review of the application well in advance of May 28, 1976.

Prior Proposal. On October 22, 1975, the Commission announced that it was considering the adoption of rules to regulate—or perhaps forbid—transactions in commodity options, including the promulgation of a temporary rule pending the adoption of a definitive regulatory program. 40 FR 49360. Section 4c(a) (B) of the Act expressly prohibits option transactions relating to those commodities which were regulated under that Act prior to the enactment of the CFTC Act.² As amended by the CFTC Act, Section 2(a)(1) of the Act, 7 U.S.C. § 2, expanded the definition of commodity to include "all other goods and articles . . . and all services, rights and interests in which contracts for future delivery are presently or in the future dealt

in. . . ." With respect to these newly-regulated commodities, Section 4(b) of the Act provides that no person shall offer to enter into, enter into, or confirm the execution of, any commodity option transaction contrary to any rule, regulation or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe.

At the time of its announcement concerning commodity option transactions, the Commission solicited the views of interested persons concerning whether one or another of several regulatory approaches discussed in the announcement—or some other approach—should be adopted, and stated also that it had assigned to its Advisory Committee on Definition and Regulation of Market Instruments the responsibility to consider and report its recommendations to the Commission on appropriate regulation of commodity options.

The Commission has considered all of the comments and suggestions which it has received on the various regulatory approaches for regulating commodity option transactions and has decided to publish for comment the rules proposed herewith.

Exclusive Jurisdiction. The Commission again points out that Section 2(a) (1) of the Act, as amended, 7 U.S.C. § 2, provides that the Commission shall have "exclusive jurisdiction" with respect to "accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option' . . . and transactions involving contracts of sale of a commodity for future delivery. . . ." And, as noted above, no person may offer to enter into, enter into, or confirm the execution of any commodity option transaction contrary to the Commission's rules. The proposed rules announced today are to be effectuated pursuant to the exclusive jurisdiction of the Commission and under the authority contained in Section 4c(b) of the Act.

Least Anticompetitive Means. In proposing the regulations hereinafter set forth, the Commission has, in accordance with Section 15 of the Act, 7 U.S.C. section 19, taken into consideration the public interest to be protected by the anti-trust laws. While it recognizes that the significant financial and other criteria imposed as prerequisites to allowing a person to enter into or continue in business as a commodity option dealer may result in some lessening of competition, the Commission believes that the proposed rules are a necessary minimum for effectuating the purposes and policies of the Act which require that the Commis-

² Prior to the effective date of the CFTC Act, the Act provided for the regulation of . . . wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain, sorghums, milfeeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice. . . .

sion assure the financial solvency of option transactions and prevent fraud or manipulation. The Commission has determined that minimum financial and other requirements are essential to public protection under the Act. Accordingly, the Commission believes that, in imposing the minimum financial requirements and the other requirements of the proposed regulations, it has taken the least anticompetitive means of achieving the objectives, policies and purposes of the Act.

Scope of the Rules. The proposed rules concerning commodity option transactions are to be adopted as a new Part 32 of Title 17 of the Code of Federal Regulations.

The proposed rules basically make it unlawful for any commodity option dealer, as defined in § 32.1, to offer to enter into, enter into or confirm the execution of any transaction subject to the proposed rules unless (1) on and after April 15, 1976, the dealer has at all times total assets in excess of total liabilities and maintains at all times net working capital, as computed in accordance with Section 32.10 in excess of \$100,000 and (2) on and after May 28, 1976, the commodity option dealer is registered as such with the Commission. Also, the proposed rules require a dealer, on and after May 28, 1976, in connection with offers to enter into commodity option transactions, to inform each prospective purchaser that the dealer has filed an application in connection with its registration with the Commission containing information about the dealer, the dealer's business and its financial condition and that copies of such filings are available for public inspection at all offices of the dealer and at the Commission's offices in Washington, D.C.

Since the information required under the proposed rules is rather extensive, the Commission has determined that it would be appropriate to afford commodity option dealers additional time to prepare and submit some of the information required by the proposed rule by filing such information as amendments to the initial application. The Commission points out that proposed rules do not require that a commodity option dealer deliver any form of disclosure document to prospective purchasers in advance of any purchase. The Commission would particularly welcome comments on whether such a requirement should be imposed on commodity option dealers (presently dealing off contract markets) and whether such disclosure documents are or should be applicable to commodity option transactions.

The Commission wishes to advise affected persons under the proposed rules that the regulation contained in 17 CFR § 1.19, which prohibits futures commission merchants from assuming financial responsibility for a commodity option transaction, would be revoked as of April 15, 1976. In view of the financial and other standards to be established by the proposed rules regarding commodity option transactions, the Commission believes there is no reason why a futures commission merchant should not be permitted to assume financial responsibility for commodity option transactions

should it be able to meet those standards.

Set forth below is a synopsis of the proposed rules, together with a discussion of certain of the factors considered by the Commission in proposing the rules and of the comments which the Commission is particularly interested in receiving in connection with its proposals.

DEFINITIONS

[NOTE: Certain of the terms used in the proposed rules are already defined in the Commission's general regulations contained in Chapter I of 17 CFR.]

Section 32.1 of the proposed rules defines certain terms used in the proposed rules. The term "purchaser" is defined in § 32.1(a) to mean any person who, directly or indirectly, purchases or otherwise acquires for value any interest in a commodity option transaction from any commodity option dealer. Section 32.1(b) defines a "commodity option transaction" as any transaction which the Commission is authorized to regulate under section 4c(b) of the Act.³ Section 32.1(c) defines a "commodity option dealer" and "dealer" to mean any person engaged in the business of offering to enter into, entering into, or confirming the execution of, commodity option transactions, whether or not that person makes, underwrites, issues or otherwise assumes any financial responsibility for any commodity option transaction. Under this definition, a person who acts solely as an agent in connection with an option transaction is nevertheless a dealer for purposes of the proposed rule.

Section 31.2(d) defines an "affiliated person" to mean, with certain limited exceptions, any general partner, officer, director, manager, salesperson or employee of a person, or any person occupying a similar status or performing similar functions (such as, for example, an independent sales representative), or any person controlling or controlled by another person. These terms are employed in later sections of the proposed rules, such as in the section providing that each application filed by a commodity option dealer disclose certain information about the dealer and each affiliated person of a dealer. Section 32.1(f) contains a broad definition of "promotional material" used by a dealer in connection with the offer of commodity option transactions. Copies of all promotional material must be included in the original application for registration of a commodity option dealer. In addition, § 32.1(g) defines "premium" to mean the charge to a purchaser for entering into a commodity option transaction.

UNLAWFUL TRANSACTIONS

The Commission thoroughly considered whether it should impose financial

³ The statute refers to any "transaction * * * which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'." Section 4(c)(b), 7 U.S.C. 6c(b). For convenience in this release, the Commission is utilizing the term "option" to include all transactions described by this provision.

standards on persons offering commodity option transactions. As previously noted, the Commission has determined that such financial standards would help to assure the financial solvency of these transactions and, accordingly, § 32.2(a) (1) of the proposed rules provides that from and after April 15, 1976, it shall be unlawful for a commodity option dealer to offer or sell commodity option transactions unless it maintains at all times a net working capital in excess of \$100,000 and unless at all times its total assets exceed its total liabilities. Net working capital must be computed in accordance with § 32.10(b) of the proposed rules. In this regard, the Commission wishes to emphasize that in computing net working capital under the proposed rules there must be excluded from current assets (1) all premiums charged to any purchaser and (2) all assets which are not located within the territorial limits of the United States.

In addition to the financial requirements imposed by § 32.2(a) of the proposed rules, §§ 32.2(b) and (c) basically provide that from and after May 28, 1976, it shall be unlawful to offer or sell commodity option transactions unless the dealer is registered with the Commission and informs prospective purchasers that the dealer has filed with the Commission an application for registration and any amendments thereto, disclosing information concerning the dealer, its personnel, financial condition and business operations and that such filings are available for public inspection during normal business hours at all offices of the dealer and at the offices of the Commission in Washington, D.C. In order to permit sufficient time for persons to apply for registration, the date upon which all commodity option dealers must be registered and comply with the other requirements of § 32.2(b) has been fixed approximately six weeks after the financial standards imposed by the proposed rules are to become effective.

Futures commission merchants which engage in business as a commodity option dealer will be required to maintain net working capital in accordance with § 32.2(a) and, insofar as their futures commission merchant business is concerned, will also continue to be required to maintain and compute adjusted net working capital separately in accordance with 17 CFR § 1.17.

The Commission recognizes that the \$100,000 net working capital requirement may be inappropriate for certain commodity option dealers who act solely on an agency basis for other dealers who issue or assume full financial responsibility for the commodity option transaction. Accordingly, the Commission wishes to advise such dealers that pursuant to the exemptive provisions contained in § 32.3(b) of the proposed rule, the Commission will entertain requests for an exemption from the net working capital requirement accompanied by a written statement of the underwriter of the option transaction, with supporting

documentation, which establishes that the dealer is acting solely as an agent for an underwriting commodity option dealer who is or will be registered under the proposed rule, who has assets located within the United States, and who is ultimately fully responsible for the commodity option transaction of the dealer applying for the exemption. The Commission anticipates that, in most cases, any exemptions granted will nevertheless require the maintenance by the agent dealer of some minimum net working capital, although in a reduced amount.

The Commission is cognizant that the proposed rules do not require a commodity option dealer to segregate premiums from its assets or to deliver a disclosure statement to prospective purchasers. With respect to segregation of premiums, while the Commission has determined not to impose such a requirement on commodity option dealers because of inherent difficulties of ascertaining which dealer should segregate (i.e., the problem of double segregation), it is particularly interested in receiving comments as to whether such a requirement should and could be imposed. With respect to the delivery in advance of disclosure statements to prospective purchasers, as noted previously, the Commission is also interested in the views of interested parties as to whether such a requirement should be imposed.

EXEMPTIONS

Several commentators suggested that no public interest would be served by regulatory provisions governing commercial commodity option transactions with certain users, producers or consumers. The Commission has considered these comments and has concluded that there may be no substantial public interest to be served by requiring the registration of dealers who engage exclusively in such commercial-type transactions and that it appears that application of the Commission's antifraud rule governing commodity option transactions achieves the full regulatory objective in that case. In addition, the Commission believes that the burdens associated with registration should not be required in connection with the occasional offer or sale of commodity option transactions. Accordingly, the Commission has determined to exempt from the operation of the proposed rules the offer and sale of commodity option transactions to the purchasers referred to in § 32.3(a) (1) of the proposed rules. Of course, to the extent that a dealer offers or sells commodity option transactions to persons other than, or in addition to, such purchasers, compliance with the proposed rules would be required, unless the exemption afforded by section 32.3(a) (2) is available. Under this section the offer or sale to less than 10 persons (in addition to the purchasers referred to in paragraphs (a) (1) of the section) during any period of 12 consecutive months will be exempt from the operation of the proposed rules. This section also contains a provision as to how

the number of persons is to be computed for purposes of the exemption. Section 32.3(b) provides that the Commission may by order, upon request or its own motion, exempt from the provisions of the proposed rules any person, either unconditionally or on a temporary or other conditional basis, if it finds that such exemption would not be contrary to the public interest. Among other things, this section would provide the basis upon which a dealer acting solely as agent in connection with option transactions could secure a lowering of the \$100,000 net working capital requirements in the proposed rules.

The Commission intends to monitor closely the effect the exemptions in section 32.3(a) have in the marketplace to ascertain whether they are necessary or appropriate. The Commission would welcome comments as to whether these exemptions are, or any additional exemptions would be, in the public interest. The Commission wishes to emphasize that the exemptive provisions expressly do not exclude any dealer from the prescriptions in the Commission's general antifraud rule governing commodity option transactions presently in effect, which is to be re-codified as section 32.13 of the proposed rules. This antifraud rule applies and will continue to apply to all offers and sales of commodity option transactions subject to Commission regulation whether or not these transactions are subject to or exempt from any provisions of the proposed rules.⁴

APPLICATIONS FOR REGISTRATION

Section 32.4 of the proposed rules concerns the procedures to be followed in filing an application for registration as a commodity option dealer. This section requires that an applicant for registration file an original and four copies of the application with the Commission. Also, at the time of filing an application with the Commission, the applicant must also submit one copy to the official administering the state securities laws in each state in which the applicant is offering and proposes to offer commodity option transactions or to such other state official as such official may designate in writing to the Commission. The Commission will specify by public notice any such

⁴ In this connection, the Commission considers that it is a violation of its antifraud rules governing these transactions for a person to deceive a purchaser or prospective purchaser by any means whatsoever concerning, among other things, the past business history of a person, the action of the Commission with respect to any such transaction, the risks, safety, understandability or profitability of any such transaction, the segregation of customers' funds or property, financial resources or financial condition of a person, the effect of offering or selling such transactions at a "discount" or "bargain" price, and the effect of soliciting and pressuring purchasers to "roll over" their transactions and enter into new transactions at substantial discount prices. See *Commodity Futures Trading Commission v. American Options Corp. et al.*, CCH Com. Fut. Law. Rep. ¶20,107 (C.D. Cal. 1975).

designated official and his location. By this latter procedure, the Commission believes that the regulatory authorities in each state will have the opportunity to express their views concerning the commodity option dealer's operations and the Commission thereby will be able to obtain the benefit of their views as to how best to prevent or remedy abuses in the offer and sale of commodity options. The Commission is particularly interested in obtaining information from state authorities concerning violations of the proposed rules, including the Commission's general antifraud rule, and in coordinating enforcement actions arising out of such violations.

The filing of an application must be accompanied by a registration fee of \$750.00. A renewal registration fee will also be required under the provisions of the proposed rules relating to the effectiveness of registration. These registration fees are designed to permit the Government to recover basically the costs associated with the Commission's review of applications and other filings concerning the operations and financial condition of those commodity option dealers who apply for registration with the Commission.

Bearing the public interest in mind, it is important that applicants for registration be aware of their responsibility to file complete and accurate information with the Commission. Accordingly, under § 32.4(c) of the proposed rules, the original of the application filed with the Commission must be filed with a cover page signed by or on behalf of the applicant, which must contain (1) a statement that the application is filed pursuant to Section 4(c) of the Act and Part 32 of 17 CFR; (2) a certification by the applicant that all statements contained in the application are true and correct; and (3) if the applicant is a corporation or other entity that transacts business through a management group similar to a board of directors, that the filing of the application and its contents have been authorized by the applicant's board of directors or applicable management group. Furthermore, the proposed rules in section 32.6 provide generally that any false or misleading statement of a material fact or the omission of a material fact in an application, amendment thereto or in any report required to be filed with the Commission, shall constitute cause for the denial, suspension or revocation of the registration of a commodity option dealer.

CONTENTS OF APPLICATION

Section 32.5 of the proposed rule sets forth the information which must be contained in the application for registration of a commodity option dealer. A commodity option dealer is also required, pursuant to §§ 32.8 and 32.9 of the proposed rule, to file amendments to the application, containing additional information concerning the dealer's business operations and financial condition, within 30 and 60 days respectively, of the filing of the original application.

The specific information to be disclosed by a dealer under section 32.5 concerns the identity of the dealer and details of the background of the dealer and its affiliated persons. Required disclosure includes the name under which the commodity option dealer is doing or intends to do business; the addresses and telephone numbers for the dealer's principal business office and all branch offices; names of principal and branch-office managers; duly completed CEA Forms 94 (biographical information) for the dealer and all affiliated persons of the dealer and for all persons owning 10% or more of the equity or other ownership interest in the dealer; a description of any specified proceedings instituted against the dealer; a list of the states in which the dealer is offering and proposes to offer any commodity option transaction; the name and address of agents authorized to receive notices and service of legal process at its principal office and in each state; complete factual details of the existence of specified events relating to the dealer or any affiliated person, such as certain convictions, injunctions, suspensions, violations and proceedings; and the filing of copies of all promotional material. Copies of CEA Form 94 may be obtained from the Commission's Regional Offices and by its Bureau of Registration and Audit in Washington, D.C.

In addition, the application of the dealer must include, if available, a balance sheet of the dealer audited by an independent certified public accountant as of the end of the dealer's most recent fiscal year unless such fiscal year has ended within 90 days prior to the date of the filing of the application in which case the balance sheet may be as of the end of the preceding fiscal year, or if no audited balance sheet is available, then an unaudited balance sheet as of the end of the most recent fiscal year. There is also to be included a statement setting forth the computation of the net working capital of the dealer as at the date of the balance sheet filed, which statement must be audited if the accompanying balance sheet is audited. Should the person applying for registration as a commodity option dealer be registered with the Commission as a futures commission merchant, the application may omit certain of the information otherwise required (since such information is already on file with the Commission) but shall contain a statement that such person is so registered as a futures commission merchant and the effective date of such registration.

EFFECTIVENESS OF REGISTRATION

Under § 32.6(a), the Commission shall declare effective the registration of a commodity option dealer if it appears that the requirements of the proposed rules have been satisfied. Under this section the Commission may, after notice and opportunity for hearing, deny the registration if it finds that the dealer is unfit to engage in business as a commodity option dealer (1) because the dealer,

whether prior or subsequent to becoming such, or any affiliated person of the dealer, whether prior or subsequent to becoming so affiliated, has failed to comply with any of the provisions of the proposed rules; has made or caused to be made in any application for registration, amendment thereto, or report required to be filed with the Commission, any false or misleading statement of a material fact, or has omitted to state therein any material fact which is required to be stated therein; has engaged in any practice of the character prohibited by the Act; or has engaged or is engaging in operations which threaten the financial solvency of any commodity option transaction, or tends to permit manipulation or fraud in or in connection with any offer to enter into, entry into or confirmation of the execution of any commodity option transaction; or (2) for other good cause shown. The grounds for denial of registration essentially are those set forth under section 8a(2) of the Act, 7 U.S.C. 12a(2), including the "good cause shown" standard. As indicated in the proposed rules, the "good cause shown" standard will include, the occurrence of any of the events specified in § 32.5(a)(7) of the proposed rules and will also include those grounds for denial of registration of other persons required to register under the Act with the Commission as announced by the Commission in its interpretation of that term on July 3, 1975.⁶ In making that announcement, the Commission stated that its interpretation was illustrative—not inclusive—of the grounds for denial and was not meant to be an exhaustive listing of the causes or grounds for denial of registration. The same consideration will apply to the "good cause shown" standard contained in the proposed rules.

Section 32.6(b) also provides that the Commission may, after notice and opportunity for hearing, suspend or revoke the registration of the commodity option dealer, if cause exists which would warrant a denial of registration. Section 32.6(c) of the proposed rules provides that all registrations expire one year from the date that registration becomes effective and may be renewed upon application, subject to the same requirements as in the case of an initial application. All registrations granted under the proposed rules, however, will terminate on the effective date the Commission revokes or supersedes the provisions of the rules. Since the Commission may adopt the proposed rules on an interim basis, registrants should be aware that regulatory requirements may change substantially at such time as permanent regulations are adopted.

The Commission has previously expressed the view that generally persons who are offering commodity options to the public should register with the Commission as commodity trading advisors as defined in section 2(a)(1) of the Act, 7 U.S.C. section 2.⁷ In view of the fact

⁶ See 40 FR 28125 (July 3, 1975).

⁷ See 40 FR 49361, n. 11 (October 22, 1975).

that the proposed rules require commodity option dealers to register with the Commission, the Commission has determined that the registration of such persons as commodity trading advisors would serve no additional public interest. Accordingly, section 32.6(d) of the proposed rules basically provides that a commodity option dealer is not included in the term commodity trading advisor if such person is duly registered with the Commission as a commodity option dealer and the furnishing of the services which would constitute a person as a commodity trading advisor is solely incidental to the dealer's business. Those persons who have registered or applied for registration with the Commission as commodity trading advisors solely because of their offering of commodity options to the public need not renew their registrations which will expire on July 30, 1976, or may voluntarily withdraw their applications, as the case may be. Of course, all such persons must register with the Commission under the rules proposed herein.

AMENDMENTS TO APPLICATIONS

Section 32.7 of the proposed rules provides that if any information contained in any application for registration as a commodity option dealer, or in any amendment thereto, has become incomplete or inaccurate in any material respect, the commodity option dealer, shall, not later than 30 days after such occurrence, file an amendment to the application correcting or supplementing the information it contains. Notwithstanding the 30-day provision, of course, commodity options may not be sold or offered on the basis of materially misleading or untrue statements since such activity is prohibited under the Commission's general antifraud rule governing these transactions. Accordingly, amendments involving material information required to be disclosed should be filed promptly. Any such amendment must be filed and submitted in the manner and form as prescribed for an application originally filed.

BUSINESS OPERATIONS REPORT

Section 32.8 of the proposed rules requires that within 30 days after the filing of an application for registration, the dealer must file an amendment to the application containing a detailed report in narrative form of the nature of, and the manner in which, the dealer conducts or proposes to conduct business operations. This report shall include the specific information required by paragraphs (a) through (p) of § 32.8. Essentially these paragraphs require detailed information concerning the operations of the dealer. Among other things, disclosure is required with respect to the dealer's use of the futures market, the extent to which it will use premiums received from purchasers to cover option transactions, the extent and justification of payments and fees received from purchasers, the manner in which a purchaser will acquire the commodity or futures contract which is the subject of an

option, identity and location of depositories of the commodities and any aspects of the dealer's business which may affect its solvency or ability to perform its obligations to purchasers.

In addition, § 32.8(a) requires a description of the commodity option transactions the dealer is offering or proposing to offer with a list of the commodities and futures contracts which are the subject of such transactions, including the name of the contract market or exchange on which such futures contracts are traded. Section 32.8(b) requires a description of the extent to which the dealer assumes financial responsibility for the commodity option transactions; the extent to which and the circumstances under which the dealer acts solely as agent for another person who assumes such financial responsibility; and a summary of the responsibilities and obligations of each person in the transaction or chain of transactions to the other, including a statement of the responsibilities and obligations to the purchaser or prospective purchaser of each dealer. Section 32.8(f) requires a summary of the material terms and conditions of all agreements, contracts or other documents entered into or proposed to be entered into between a dealer and a purchaser or prospective purchaser, together with copies of all such documents. Section 32.8(h) requires disclosure of the extent and manner in which the dealer proposes to obtain and hold, or have a legal right to acquire, the actual commodity or futures contract which is the subject of a commodity option transaction entered into or proposed to be entered into by the dealer. Section 32.8(o) requires a description of the manner in which the dealer expects to derive income from commodity option transactions.

FINANCIAL REPORTING

Section 32.9 of the proposed rules requires that, within 60 days after the filing of its application for registration, the commodity option dealer must file an amendment to the application containing audited financial statements, including a detailed balance sheet as of a date not more than 90 days prior to the date of the filing of the amendment, a statement of the dealer's net working capital as at such date and the dealer's statements of income, changes in each element of corporate stockholders' equity or in partners' or sole proprietor's capital, changes in subordinated borrowings and changes in financial position, all for the three fiscal years immediately preceding the date of the audited balance sheet being filed. The financial statements required to be filed by the commodity option dealer, include financial statements for any consolidated groups, and must be prepared and audited in the manner and accompanied by the reports, statements and consents, specified in § 32.9.

COMPUTATION AND REPORTING OF NET WORKING CAPITAL

Section 32.10 of the proposed rules concerns the computation of net working capital which must be maintained by

commodity option dealers in order to offer or enter into transactions. The proposed rules provide that the commodity option dealer must compute net working capital as of the close of each business day and that such computation must be made no later than the opening of the next business day, in accordance with generally accepted accounting principles consistently applied and subject to the provisions of the proposed rules.

The method of computing net working capital contained in the proposed rules is designed to take into account the exposure which a commodity option dealer may experience should the market move against the dealer and in favor of a purchaser. In such event, the computation of net working capital will result in an increase in current liabilities, and as a consequence, a decrease of net working capital. Should the dealer not have sufficient net working capital to absorb the decrease and, at the same time, maintain the minimum net working capital required by the proposed rules, it must provide additional capital to the enterprise in order lawfully to continue to offer or sell commodity option transactions.

Paragraph (a) of § 32.10 contains the definitions which are used in connection with the computation of net working capital. The definitions are self-explanatory. However, of particular importance is the definition of "cover," since the computation of net working capital contemplates that the impact on current liabilities resulting from an adverse market move may be reduced by the ownership of a commodity or futures contract. In connection with that definition the Commission wishes to emphasize, however, that, under § 32.10(a)(1), the ability of a commodity option dealer to "cover" its position will vary depending upon the type of commodity option transaction involved. In the case of a commodity option transaction involving an actual commodity, a dealer is permitted to cover its position only by the unencumbered ownership of the same commodity, with substantially the same grade, quality, and delivery point, as that which is the subject of the commodity option transaction. In the case of a commodity option transaction involving a contract for future delivery, cover will be permitted only by the unencumbered ownership of the same contract for future delivery executed on the same contract market as the futures contract which is the subject of the commodity option transaction. As a result of these definitions, therefore, a commodity option dealer may not for purposes of the computation of net capital "cover" a commodity option transaction involving an actual commodity by means of the ownership of a futures contract; and, conversely, may not "cover" a commodity option transaction involving a futures contract by means of the ownership of an actual commodity or of a futures contract other than that which is the subject of the commodity option transaction. The Commission is particularly interested in receiving comments with respect to its definition of "cover." In this connection,

the Commission is interested in comments as to what constitutes an appropriate futures contract for purposes of cover, especially in regards to distant as opposed to near delivery month contracts.

The following examples of the computation of net working capital for commodity option dealers under § 32.10(b) are provided to explain the operation of this provision and assist interested persons in evaluating the proposal. In each of the examples, the selling unit of the commodity involved is 1000 pounds and the "striking prices" and "market values" indicated represent the price per pound times 1000 pounds. Each of the examples deals with an "open commodity option transaction," as defined in § 32.10(a)(3).

Example 1. The net working capital of a dealer, computed in accordance with generally accepted accounting principles is \$200,000 before any commodity option transaction is entered into by the dealer. The dealer then sells a "call" option transaction involving either an actual commodity or a futures contract at a striking price of \$20,000, and requires a premium from the purchaser of \$5,000. Under § 32.10(b)(2), the \$5,000 premium would be excluded from the computation of net working capital. If the option transaction is not covered, and the market value of the commodity or the futures contract which is the subject of the transaction is \$20,000, the amount by which the market value (\$20,000) exceeds 90% of the striking price (\$20,000 times .9 equals \$18,000), or \$2,000, would be included, pursuant to section 32.10(b)(4), in current liabilities. The net working capital of the dealer would accordingly be \$198,000 (\$200,000 minus \$2,000). Similarly, if the market value is \$22,000, the resulting net working capital would be \$196,000 i.e., \$22,000 (market value) minus \$18,000 (90% of the striking price), or \$4,000, subtracted from \$200,000 (original net working capital). Alternatively, if the market value is \$17,000, no additional amount would be required to be included in current liabilities since the \$17,000 market value does not exceed 90% of the striking price (\$18,000) and thus net working capital of the dealer would remain at \$200,000.

Example 2. If the "call" option transaction referred to in Example 1 above involves an actual commodity and the dealer covers with the actual commodity, the market value of the actual commodity would also be allowable as a current asset under § 32.10(b)(7).

Example 3. If the dealer sells a "call" option transaction involving a futures contract at a striking price of \$20,000, and subsequently the market value of the futures contract which is the subject of that transaction moves to \$23,000, the dealer would be required by section 32.10(b)(4), to include \$5,000 in current liabilities—\$23,000 (market value) minus \$18,000 (90% of striking price). Were the dealer then to cover the commodity option transaction with a long futures contract, § 32.10(b)(8)(A) would become operative in lieu of § 32.10(b)(4). Thus, if the dealer purchased the long futures contract at \$23,000, and the market value of that futures contract is \$23,000, the difference between the market value of the futures contract (\$23,000) and 90% of the striking price (\$18,000), or \$5,000, must be included in current liabilities, pursuant to § 32.10(b)(8)(A). If the market value of the futures contract thereafter falls to \$21,000, then the difference between the market value (\$21,000) and 90% of the striking price (\$18,000), or \$3,000, must be included in current liabilities. In the latter situation, the

dealer would, under section 32.10(b)(3), also include in current liabilities the unrealized loss on the futures contract of \$2,000 (\$23,000 purchase price of futures contract minus \$21,000 market value). On the other hand, if the market value of the futures contract rose to \$25,000, the dealer would include the unrealized gain of \$2,000 (\$25,000 minus \$23,000) as a current asset pursuant to section 32.10(b)(3), as well as the difference between the market price (\$25,000) and 90% of the striking price (\$18,000), or \$7,000, as a current liability in accordance with section 32.10(b)(8). If the market value of the futures contract drops to \$10,000, the dealer would include the difference between the market value (\$10,000) and 90% of the striking price (\$18,000), or \$8,000, as a current asset, but only if the premium collected or accrued equaled or exceeded that difference. In the present examples, however, the premium collected or accrued was only \$5,000. Accordingly, under the proviso in § 32.10(b)(8), only \$5,000 of the \$8,000 difference can be included in current assets. The dealer would also be required in this case to mark the futures contract to the market, pursuant to § 32.10(b)(3), by including the entire unrealized loss of \$13,000 (\$23,000 purchase price of future minus \$10,000 market value) as a current liability.

Example 4. The dealer sells a "put" option transaction involving either an actual commodity or a futures contract at a striking price of \$20,000. If the option transaction is not covered, and the market value of the commodity or the futures contract which is the subject of that transaction is \$20,000, the amount by which the market value of the commodity or futures contract (\$20,000) falls below 110% of the striking price (\$20,000 times 1.1 equals \$22,000), or \$2,000, must be included in current liabilities under § 32.10(b)(5). Alternatively, if the market value is \$18,000, then the amount by which the market value (\$18,000) falls below 110% of the striking price (\$22,000), or \$4,000, must be included in current liabilities pursuant to that section. On the other hand, if the market value is \$23,000, no additional amount would be required, under this section, to be included in current liabilities since the market value (\$23,000) is not below 110% of the striking price (\$22,000).

Example 5. The dealer sells a "put" option transaction involving a futures contract at a striking price of \$20,000. The market value of the futures contract which is the subject of that transaction subsequently falls to \$18,000. Thus, the dealer, as in Example 4 above, would be required to include \$4,000 in current liabilities under § 32.10(b)(5). Were the dealer then to cover the commodity option transaction with a short futures contract, § 32.10(b)(8)(B) would become operative in lieu of § 32.10(b)(5). Thus, if the dealer purchased the short futures contract at \$18,000, and the market value of that futures contract is \$18,000, the difference between the market value of the futures contract (\$18,000) and 110% of the striking price (\$22,000), or \$4,000, must be included as a current liability pursuant to § 32.10(b)(8)(B). If the market value of the futures contract thereafter moves to \$20,000, then the difference between the market value (\$20,000) and 110% of the striking price (\$22,000), or \$2,000, must be included in current liabilities, along with the unrealized loss on the short futures contract of \$2,000 (\$20,000 market value minus \$18,000 purchase price of future), as required by § 32.10(b)(3). On the

* As proposed, the rules do not contemplate that a dealer would be able to cover a "put" option transaction involving an actual commodity.

other hand, if the market value of the futures contract falls to \$16,000, the dealer would include the unrealized gain of \$2,000 (\$18,000 minus \$16,000) in current assets. In this latter case, however the difference between the market value (\$16,000) and 110% of the striking price (\$22,000), or \$6,000, must concurrently be included in current liabilities in accordance with § 32.10(b)(8)(B).

So that the Commission may be in a position to ascertain the financial condition of commodity option dealers, as measured by the net working capital, levels, without necessitating an on site examination or investigation of such persons' records (although the Commission has authority to do so at any time)* section 32.10(c) of the proposed rules requires that, within ten days after the end of each month, each commodity option dealer file with the Commission a statement of its net working capital as of the end of such month, computed in accordance with the proposed rules. In addition, paragraph (d) of this section provides that if, on and after April 15, 1976, the net working capital of a commodity option dealer is equal to or less than \$100,000 as of the close of any business day the dealer must immediately notify the Commission by telegram, promptly confirmed in writing, of its net working capital as of the close of each such business day. The Commission believes that these provisions are particularly important to enable it to monitor the financial solvency of commodity option dealers on a continuing basis and to take appropriate action in the event the net working capital position of a commodity option dealer falls to a level which raises questions as to whether such dealer will be able to perform its obligations under existing transactions and thus whether such dealer should be permitted to continue to engage in business. It should be re-emphasized that if a dealer's net working capital is below the minimum requirement set forth in the proposed rules at the close of any business day, it must, pursuant to § 32.2, immediately cease offering and entering into any further transactions, until such time as its net working capital complies with the requirement—notification to the Commission as required by § 32.10(d) does not permit the dealer to continue to engage in transactions. At such time as the net working capital of the dealer again reaches the required minimum level, it may resume the offer and sale of transactions, provided it is in compliance with all of the other provisions of the proposed rules.

MAINTENANCE OF BOOKS AND RECORDS

Section 32.11 of the proposed rules imposes a requirement on each commodity option dealer to keep such books and records as are necessary to make and record daily the net working capital computation required by the rules, to maintain daily statements of the computation of net working capital and to have other books and records as are sufficient to enable the Commission to ex-

* See section 6(b) of the Act, 7 U.S.C. § 15.

amine the records of all financial aspects of each and every transaction entered into by the commodity option dealer. The Commission is interested in receiving comments, particularly for purposes of promulgating permanent rules, as to what specific books and records the Commission should require dealers to maintain to assure proper internal control of their financial operations.

UNLAWFUL REPRESENTATIONS

Section 32.12 of the proposed rules make it unlawful for any commodity option dealer, or any affiliated person thereof, to claim that the Commission, by declaring a registration effective or otherwise, has approved either the dealer or any transaction offered, entered into, or confirmed by the dealer. While the Commission will seek to prevent the dissemination of false or misleading information about dealers, it cannot conduct an investigation in every instance to determine the accuracy or adequacy of information contained in an application for registration or in amendments or reports filed. Accordingly, registration with the Commission cannot and does not indicate Commission approval of a dealer or of the transactions in which it may engage.

ANTIFRAUD

Section 32.13, the Commission's anti-fraud rule in connection with commodity option transactions, has been included as part of the proposed rules so as to have all rules affecting commodity option transactions in one place in the Code of Federal Regulations. This section is the same rule that is presently in effect, contained in 17 CFR § 30.01, modified to incorporate certain of the definitions set forth in the proposed rules.

In consideration of the foregoing, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations effective April 15, 1976, by deleting §§ 1.19 and 30.01 thereof, and by adding a new Part 32, as follows:

1.19 [Removed]

1. Section 1.19 is removed.

30.01 [Removed]

2. Section 30.01 is removed.
3. Part 32 is added to read as follows:

Sec.	
32.1	Definitions.
32.2	Unlawful commodity option transactions.
32.3	Exemptions.
32.4	Application for registration of commodity option dealer.
32.5	Content of application.
32.6	Effectiveness of registration; denial, suspension and revocation thereof.
32.7	Amendments to application.
32.8	Report of business operations of commodity option dealer.
32.9	Financial reporting of commodity option dealer.
32.10	Computation and reporting of net working capital of commodity option dealer.
32.11	Maintenance of books and records.
32.12	Unlawful representations.
32.13	Fraud in connection with commodity option transactions.

AUTHORITY: Secs. 2(a)(1), 4c(b) and 8a of the Commodity Exchange Act, 7 U.S.C.A. §§ 2, 6c(b) and 12a (Supp. 1, 1975).

§ 32.1 Definitions.

As used in this Part—

(a) "Purchaser" means any person who, directly or indirectly, purchases or otherwise acquires for value any interest in a commodity option transaction from any commodity option dealer;

(b) "Commodity option transaction" means any transaction involving any commodity regulated under the Act but not specifically set forth in Section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463 (October 23, 1974), which is or is held out to be of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty";

(c) "Commodity option dealer" and "dealer" each means any person engaged in the business of offering to enter into, entering into, or confirming the execution of, commodity option transactions, whether or not that person makes, underwrites, issues or otherwise assumes any financial responsibility for any commodity option transaction;

(d) "Affiliated person" means any general partner, officer, director, manager, salesperson or employee of a person (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by another person, except that (1) any employee acting solely in a clerical or ministerial capacity, and (2) any manager, salesperson or employee of a dealer acting solely in a capacity unrelated to commodity option transactions, shall not be deemed to be an "affiliated person";

(e) "State" means any state or territory of the United States, or the District of Columbia;

(f) "Promotional material" includes any standardized form of report, letter, circular, memorandum or similar written literature, any text of a standard oral presentation, or any communication for publication in any newspaper, magazine or similar medium or for broadcast over television, radio or other electronic medium, which is or is proposed to be disseminated or directed by a dealer to a purchaser or prospective purchaser; and

(g) "Premium" means the charge to a purchaser for entering into a commodity option transaction.

§ 32.2 Unlawful commodity option transactions.

(a) On and after April 15, 1976, it shall be unlawful for any commodity option dealer to offer to enter into, enter into, or confirm the execution of any commodity option transaction unless from and after that date—

- (1) The dealer's net working capital, as computed pursuant to section 32.10
- (b) of this Part, shall be at all times in excess of \$100,000; and

(2) The dealer's total assets shall at all times exceed its total liabilities, as determined in accordance with generally accepted accounting principles consistently applied.

(b) On and after May 28, 1976, it shall be unlawful for any commodity option dealer to offer to enter into, enter into, or confirm the execution of, any commodity option transaction unless the commodity option dealer is registered with the Commission in accordance with this Part and such registration shall not have expired, been suspended or revoked.

(c) On and after May 28, 1976, it shall be unlawful for any commodity option dealer registered with the Commission in accordance with this Part to offer to enter into, enter into, or confirm the execution of, any commodity option transaction unless such dealer, in or in connection with each offer to enter into a commodity option transaction, informs each prospective purchaser that the dealer has filed with the Commission an application, and any amendments thereto, disclosing information concerning the dealer; its personnel, financial condition and business operations, and that copies of such filings are available for public inspection during normal business hours at all offices of the dealer and at the offices of the Commission in Washington, D.C.

§ 32.3 Exemptions.

(a) The provisions of this Part (other than the provisions relating to fraud set forth in section 32.13) shall not apply to a commodity option transaction offered or entered into by a commodity option dealer:

(1) Where such transaction is offered to or entered into with a producer, processor or consumer of, or a person handling, the commodity which is the subject of the commodity option transaction, or the products or by-products thereof, and such producer, processor, consumer or person is offered or enters into the commodity option transaction solely for purposes related to its business as such; or

(2) Where the dealer, in any period of twelve consecutive months, offers or enters into commodity option transactions with less than 10 persons other than those described in paragraph (a)(1) of this section; provided, however, that in computing the number of persons for purposes of this paragraph only, there shall be counted as a separate person (A) each person who is a natural person, unless the person is the relative or spouse of another person, or relative of such spouse, who shares the same house as the person, in which case such family group shall be counted as one person and (B) each person who is not a natural person, unless it was organized for, or has as its primary purpose, the purchase or acquisition, directly or indirectly, of commodity option transactions, in which case each beneficial owner of an interest in that person shall be counted as a separate and distinct person.

(b) The Commission may, by order, upon written request or upon its own motion, exempt any person, either uncon-

ditionally or on a temporary or other conditional basis, from any provisions of this Part (other than the provisions relating to fraud set forth in § 32.13), if it finds that it would not be contrary to the public interest to grant such exemption.

§ 32.4 Application for registration of commodity option dealer.

(a) An original and four copies of an application for registration of a commodity option dealer, in the form required by § 32.5 of this Part, shall be filed with the Commission at its offices in Washington, D.C. Every commodity option dealer who files an application for registration shall concurrently submit one copy of the application to the official administering the securities laws of each state wherein the commodity option dealer maintains an office, or is offering to enter into, entering into, or confirming the execution of, or proposes to offer, enter into, or confirm the execution of, commodity option transactions. Should a securities laws administrator designate in writing to the Commission an alternative official to whom a copy of the application is to be submitted, the Commission shall specify such designated official and his location by public notice.

(b) At the time of filing of an application for registration with the Commission, the commodity option dealer shall pay a registration fee of \$750; the application shall not be deemed to have been filed unless it is accompanied by a money order or a check drawn to the order of the Treasurer of the United States in such amount.

(c) The application for registration filed with the Commission in accordance with paragraph (a) of this section shall be filed with a cover page dated and manually signed by the commodity option dealer if an individual proprietorship, by an executive officer on behalf of a corporate dealer, by a general partner on behalf of a dealer which is a partnership, or by an official performing executive functions on behalf of a dealer which is any other form of organization, containing:

(1) A statement that the application is filed pursuant to the requirements of this Part and of Section 4c(b) of the Act;

(2) A certification by the commodity option dealer that all statements contained in or submitted in connection with the application are true and correct; and

(3) If the commodity option dealer is a corporation or other entity managed by a group similar to a board of directors, a certification that the filing of the application and its contents have been passed upon and duly authorized by the board of directors or management group of such other entity.

§ 32.5 Content of application.

(a) An application for registration of a commodity option dealer, other than an application made by a person registered with the Commission as a futures commission merchant, shall contain, in the following order, appropriately itemized

to conform to the paragraphs of this section:

(1) The name under which the commodity option dealer is doing or intends to do business and, if a corporation or other similar entity, the state of incorporation or organization;

(2) The address of the principal business office and all branch offices of the commodity option dealer, the telephone number of each such office and the names of all principal and branch-office managers;

(3) A duly completed and signed CEA Form 94 (biographical information) for the dealer, all affiliated persons of the dealer, and all persons owning 10% or more of the equity or other ownership interest in the dealer;

(4) A description of (A) all pending actions or proceedings instituted by a federal or state agency or department regulating the offer, purchase or sale of commodities or securities, or by a contract market, securities exchange, or commodities or securities self-regulatory association, against the commodity option dealer or any affiliated person thereof, and (B) any other material pending judicial or administrative proceeding instituted against the commodity option dealer or any affiliated person thereof, or against the property of any of them, or to which their property is subject;

(5) A list of the states in which the commodity option dealer is offering or proposes to offer any commodity option transaction;

(6) The name and address of an agent authorized by the commodity option dealer to receive notices and service of legal process at its principal office and in each state in which the commodity option dealer is offering and proposes to offer any commodity option transaction;

(7) Complete factual details of the events specified below if, the commodity option dealer, or any affiliated person thereof:

(i) has been convicted of any felony or any misdemeanor—

(A) Involving any transaction or advice concerning any commodity or security,

(B) Arising out of the conduct of the business of a commodity option dealer, futures commission merchant, associated person, floor broker, commodity trading advisor, commodity pool operator, securities broker or dealer, securities investment adviser, investment company, or as an affiliated person of any of the foregoing,

(C) Involving embezzlement, bribery, the receipt of any form of payment to influence or control the affairs or income of any person, fraudulent conversion, misappropriation of funds or securities, counterfeiting, or otherwise involving the misuse of the funds or property of others,

(D) Involving gambling-type crimes, or

(E) Involving the violation of sections 1341, 1342 or 1343 of Title 18, United States Code (relating to mail fraud);

(ii) Has been convicted of any felony other than that listed in paragraph (a) (7) (i) of this section;

(iii) Is or has been permanently or temporarily enjoined by a court of competent jurisdiction, or prohibited by a federal or state administrative agency or department, upon consent or otherwise, from—

(A) Acting as a commodity option dealer, futures commission merchant, associated person, floor broker, commodity trading advisor, commodity pool operator, securities broker or dealer, securities investment adviser, investment company, or as an affiliated person of any of the foregoing, or

(B) Engaging in any conduct (a) arising out of any activity described in paragraph (a) (7) (iii) (A) of this section, (b) involving misstatements or omissions of a material fact or facts, fraud or deceit, or (c) constituting a violation of any statute, or of any regulation, rule or order of any federal or state administrative agency or department, involving regulation of the offer, purchase or sale of commodities or securities, or of any rule of a contract market, securities exchange, or commodities or securities self-regulatory association;

(iv) Has had registration as a commodity option dealer, futures commission merchant, associated person, floor broker, commodity trading advisor, commodity pool operator, securities broker or dealer, or securities investment adviser or investment company, denied, suspended or revoked by any federal or state administrative agency or department regulating the offer, purchase or sale of commodities or securities;

(v) Is or has been, by reason of any misconduct, suspended or expelled as a member of, or denied access to, any contract market, securities exchange, or commodities or securities self-regulatory association;

(vi) Has been found by any court of competent jurisdiction, by any federal or state administrative agency regulating the offer, purchase or sale of securities or commodities, or by any contract market, securities exchange, or commodities or securities self-regulatory association, to have violated any statute, or any rule, regulation or order of such agency or department, or any rule (other than a rule of decorum) of a contract market, securities exchange, or commodities or securities self-regulatory association;

(vii) Except an affiliated person who acts solely as a salesperson of the dealer, is or has been the subject of proceedings under the Federal Bankruptcy Act, 11 U.S.C. § 1, *et seq.*, or similar laws relating to the relief of debtors or the protection of customers, or controls or has controlled or participates or has participated in the control of, or serves or has served in an executive capacity for, any person which is or has been the subject of such proceedings; or

(viii) Is or has been debarred by any agency of the United States from contracting with the United States.

(8) Copies of all promotional material and of all contracts, accounts, agree-

ments or other documents, pursuant to which the commodity option dealer is offering, proposing to offer, or entering into, commodity option transactions;

(9) A balance sheet of the dealer, audited by an independent certified public accountant, as of the end of the dealer's most recent fiscal year unless such fiscal year has ended within 90 days prior to the date of filing of the application, in which case the audited balance sheet may be as of the end of the preceding fiscal year, or, if no such audited balance sheet is available, then an unaudited balance sheet as of the end of the most recent fiscal year; and

(10) A statement setting forth the computation of the dealer's net working capital pursuant to this Part as of the date of the balance sheet described in paragraph (a) (9) of this section.

(b) An application for registration of a commodity option dealer filed by a person registered with the Commission as a futures commission merchant shall contain:

(1) A statement that such person is so registered as a futures commission merchant and the effective date of such registration;

(2) The information specified in paragraphs (a) (2), (a) (4), (a) (5), (a) (6), (a) (8), (a) (9) and (a) (10) of this section.

§ 32.6 Effectiveness of registration; denial, suspension and revocation thereof.

(a) The Commission shall declare effective the registration of a commodity option dealer if it appears that the requirements of this Part have been satisfied. The Commission may, after notice and opportunity for hearing, deny the registration of a commodity option dealer, if it finds that the dealer is unfit to engage in the business of a commodity option dealer—

(i) Because the dealer, whether prior or subsequent to becoming such, or any affiliated person thereof, whether prior or subsequent to becoming so affiliated:

(i) Has failed to comply with any of the provisions of this Part;

(ii) Has made or caused to be made in any application for registration, amendment thereto, or report required to be filed with the Commission under this Part, under any provision of the Act, or under any rule or regulation promulgated thereunder, any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application, amendment, or report any material fact required to be stated therein;

(iii) Has engaged in any practice of the character prohibited by the Act; or

(iv) Has engaged or is engaging in operations which threaten the financial solvency of any commodity option transaction or tend to permit manipulation or fraud in or in connection with any offer to enter into, entry into or confirmation of the execution of any commodity option transaction; or

(2) For other good cause shown, including, but not limited to, the occurrence of any of the events specified in § 32.5(a) (7) of this Part, or the grounds for denial of registration of other persons required to register under the Act announced by the Commission in 40 FR 28125 (July 3, 1975).

(b) The Commission may, after notice and opportunity for hearing, suspend or revoke the registration of a commodity option dealer if cause exists which would warrant a denial of registration under paragraph (a) of this section.

(c) All registrations under this Part shall expire one year from the date such registration becomes effective, and shall be renewed upon application subject to the same requirements as in the case of an initial application; provided, however, that all registrations shall in any event terminate on the effective date the Commission revokes or supersedes the provisions of this Part.

(d) A person registered under this Part 32 who furnishes the services specified in section 2a(1) of the Act is not included in the term commodity trading advisor if:

(1) At the time such services are furnished, such person is registered under this section as a commodity option dealer, and such registration shall not have expired, been suspended or revoked; and

(2) The furnishing of such services is solely incidental to the conduct of such person's business or profession as a commodity option dealer.

§ 32.7 Amendments to applications.

(a) If the information contained in any application for registration as a commodity option dealer, or in any amendment thereto, has become incomplete or inaccurate in any material respect either by reason of a change in circumstances, change in affiliated persons, change in the states wherein the dealer is offering or proposes to offer commodity option transactions or change in promotional material, or for any other reason, the dealer shall, not later than 30 days after such occurrence, file an amendment to the application correcting or supplementing the information it contains.

(b) Any amendment to an application for registration shall be filed and submitted in such a manner and in such form as is prescribed for an application in section 32.4 (a) and (c) of this Part.

§ 32.8 Report of business operations of commodity option dealer.

No later than 30 days after the filing of an application for registration of a commodity option dealer, the dealer shall file an amendment to the application, in accordance with section 32.7(b) of this Part, containing a detailed report in narrative form concerning the nature of, and manner in which, the dealer conducts or proposes to conduct business operations, including—

(a) A description of the commodity option transactions the dealer is offering

or is proposing to offer, with a list of the commodities and/or futures contracts which are the subjects of such transactions, including the name of the contract market, exchange or other board of trade on which such futures contracts are traded;

(b) The extent to which the dealer makes, issues, underwrites or otherwise assumes financial responsibility for the commodity option transactions entered into or proposed to be entered into by the dealer, the extent to which and circumstances under which the dealer acts solely as agent for another person who makes, issues, underwrites or otherwise assumes financial responsibility for the commodity option transactions entered into or proposed to be entered into by the dealer (including the name and address of such other person), and a summary of the responsibilities and obligations of each person in the transaction or chain of transactions to the other, including a statement of the responsibilities and obligations to the purchaser or prospective purchaser of each dealer;

(c) A detailed description of the extent and manner in which the dealer utilizes or proposes to utilize the facilities of a contract market, exchange or other board of trade in connection with commodity option transactions including a description of the circumstances, if any, under which the dealer may use or permit the use of the premium charged to and received from a purchaser to take positions in the futures market with respect to the commodity or futures contract which is the subject of the commodity option transaction;

(d) The extent and manner in which the premium charged to and received from a purchaser, any actual commodity or any futures contract which is used to cover any commodity option transaction entered into or proposed to be entered into by the dealer, any evidences of ownership thereof, or any funds or property due and owing to a purchaser, are or will be segregated from, or commingled with, those of other purchasers or with the assets of the dealer, including the name and location of the accounts or depositories, if any, where the same is segregated;

(e) The extent and manner in which the dealer proposes to receive payments or fees from purchasers in connection with commodity option transactions and a description of the consequences to a purchaser of the failure to make any required payment;

(f) A summary of material terms and conditions of all agreements, contracts or other documents entered into or proposed to be entered into, between the dealer and a purchaser or prospective purchaser, together with copies of all such documents;

(g) A statement of the manner in which a purchaser is to acquire and receive delivery of the commodity or futures contract which is the subject of a commodity option transaction, and a statement of the person or persons to whom full payment is to be made upon

exercise of the option and of the maximum delivery time within which such commodity or futures contract will be delivered or otherwise made available to the purchaser upon exercise of the option;

(n) The extent and manner in which the dealer proposes to obtain and hold, or have a legal right to acquire, the actual commodity or futures contract which is the subject of a commodity option transaction entered into or proposed to be entered into by the dealer;

(i) The location and identity of any depository or other person holding possession, on behalf of the dealer, of the commodity which is the subject of a commodity option transaction entered into or proposed to be entered into by the dealer, or any evidences of ownership thereof, and the substance of the contractual or other relationship between the dealer and such person;

(j) A description of the material aspects of the dealer's business operations which may affect the dealer's solvency or the dealer's ability to deliver or to pay for the delivery to the purchaser of commodities or futures contracts which are the subject of the commodity option transactions entered into or proposed to be entered into by the dealer, including the effect that the bankruptcy of the dealer or any other person with whom the dealer has a contractual or other relationship (except the purchaser) would have upon the rights of the purchaser to receive possession of the commodity, or adjustment on the value of the futures contract, which is the subject of the commodity option transaction;

(k) A summary of the manner and circumstances, if any, by which the dealer intends to, or will, repurchase or make adjustment for the interest involved in any commodity option transaction, or the underlying actual commodity, including a description of the dealer's capability to repurchase or adjust, and of the conditions to any commitment by the dealer to do so;

(l) The method by which the dealer establishes the premium to be charged to a purchaser or the charge at which the dealer will repurchase;

(m) The nature of the services to be provided in return for, and the extent and amount of, all storage charges, interest charges, commissions, and similar fees or charges, other than the premium, which will be required of a purchaser in connection with a commodity option transaction;

(n) A statement of the risks inherent in commodity option transactions generally and a description of any material risks associated with, or with respect to, the particular operations of the dealer;

(o) A description of the manner in which the dealer expects to derive income from commodity option transactions;

(p) A description of such other aspects of the dealer's business or proposed operations as may affect the financial solvency of a commodity option transaction to be offered or entered into by the

dealer, and as may affect the possibility of manipulation or fraud in or in connection with any offer to enter into, entry into, or confirmation of the execution of, any commodity option transaction; and

(q) Such other information and documentation as the Commission may request.

§ 32.9 Financial reporting of commodity option dealer.

(a) Within 60 days after the filing of an application for registration of a commodity option dealer, the dealer shall file an amendment to the application, in accordance with § 32.7(b), containing—

(1) A detailed balance sheet of the commodity option dealer audited by an independent certified public accountant as of a date not more than 90 days prior to the date of the filing of the amendment, disclosing the nature and amount of assets and liabilities and the net working capital of such dealer;

(2) The commodity option dealer's statements of income, changes in each element of corporate stockholders' equity or in partners' or sole proprietor's capital, changes in subordinated borrowings and changes in financial position, all for the three fiscal years immediately preceding the date of the audited balance sheet being filed (or, if the dealer has been in business for less than three years, then for such time as the dealer has been in business) and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the balance sheet being filed, together with statements of income for the corresponding interim period for the preceding fiscal year, all of which statements shall be audited by an independent certified public accountant to the date of the audited balance sheet being filed; and

(3) A statement setting forth the computation of net working capital of the dealer, pursuant to this Part, as of the date of the balance sheet filed under paragraph (a) (1) of this section.

(b) The financial statements filed pursuant to this section shall contain appropriate disclosure footnotes, and shall be prepared in accordance with generally accepted accounting principles consistently applied and otherwise in accordance with this Part.

(c) If the dealer is a member of a consolidated group for financial reporting purposes, a consolidated balance sheet and consolidated financial statements of such group as of the date and for the periods covered by, similar in form and content to, and audited in the manner as, the financial statements filed pursuant to paragraphs (a) and (b) of this section.

(d) Subject to appropriate variation to conform to the nature of the business, the following items shall be included in each statement of income filed pursuant to this section: net sales or operating or other revenues, cost of goods sold or operating or other expenses (or gross profit), interest expense, income tax expense, income from continuing opera-

tions, income from discontinued operations (less applicable tax), income or loss before extraordinary items, extraordinary items (less applicable tax), cumulative effects of changes in accounting principles, and net income or loss.

(e) The financial statements filed pursuant to this section shall be accompanied by the manually signed and dated report of each independent certified public accountant auditing such statements, containing the opinion of such accountant that:

(1) Such financial statements fairly present the financial position of the dealer as of the date of the balance sheet of the dealer being filed, and the results of the dealer's operations for the periods then ended, in conformity with generally accepted accounting principles consistently applied; and

(2) Such accountant's examination was performed in accordance with generally accepted auditing standards and for the purpose of the filing of the amendment by the dealer.

(f) The financial statements filed pursuant to this section shall be accompanied by the written consent of each independent certified public accountant whose report is included in the amendment as to the use of the accountant's name and of such report in the amendment, together with a signed statement of such accountant as to any existing circumstances or facts which would tend to raise any question as to the independency of such accountant, or if there are no such facts or circumstances, a signed statement to that effect.

§ 32.10 Computation and reporting of net working capital of commodity option dealer.

(a) As used in this section—

(1) "Cover" means to own, free and clear of all claims, liens and other encumbrances (including outstanding margins)

(i) In the case of a commodity option transaction involving an actual commodity: the same commodity, with substantially the same grade, quality, and delivery point, as that which is the subject of the commodity option transaction; or

(ii) In the case of a commodity option transaction involving a contract for future delivery: the same futures contract executed on the same contract market as the futures contract which is the subject of the commodity option transaction;

(2) "Striking price" means the price fixed under the terms of a commodity option transaction at which the purchaser, upon exercise, may purchase or sell the actual commodity which is the subject of the commodity option transaction, or upon which an adjustment to a purchaser with respect to the futures contract which is the subject of a commodity option transaction is based;

(3) "Open commodity option transaction" means any commodity option transaction entered into by a dealer in which the dealer's obligations to a purchaser arising therefrom have not ex-

pired, been fully performed, or otherwise been lawfully terminated.

(b) On and after April 15, 1976, the net working capital of a dealer shall be computed as of the close of each business day, such computation to be made no later than the opening of the next business day, in accordance with generally accepted accounting principles consistently applied, subject to the following rules:

(1) There shall be excluded from current assets any assets not located within the territorial limits of the United States;

(2) There shall be excluded from current assets and from current liabilities the premium charged to any purchaser in or in connection with any open commodity option transaction;

(3) All commodity futures contracts of the dealer shall be marked to the market daily with the unrealized gain or loss included in current assets or current liabilities, respectively;

(4) Except as provided in paragraph (b) (8) of this section, with respect to any open "call" commodity option transaction, there shall be included as a current liability the amount by which the then current market value for the actual commodity or futures contract which is the subject of such transaction, at the close of the business day for which the computation is made, exceeds 90% of the striking price for such transaction;

(5) Except as provided in paragraph (b) (8) of this section, with respect to any open "put" commodity option transaction, there shall be included as a current liability the amount by which the then current market value for the actual commodity or futures contract which is the subject of such transaction, at the close of the business day for which the computation is made, falls below 110% of the striking price of such transaction;

(6) Except as provided in paragraph (b) (8) of this section, with respect to any open "put-call" ("double") commodity option transaction, there shall be included in current liabilities, whichever is the larger of (A) the amount which results if such transaction is deemed to be an open "call" commodity option transaction and is computed pursuant to paragraph (b) (4) of this section, or (B) the amount which results if such transaction is deemed to be an open "put" commodity option transaction and is computed pursuant to paragraph (b) (5) of this section;

(7) If an open "call" commodity option transaction is covered in whole or in part by the actual commodity, there may be included in current assets the market value of the actual commodity;

(8) If an open commodity option transaction is covered in whole or in part by a commodity futures contract the following rules shall apply in lieu of paragraphs (b) (4), (b) (5) and (b) (6) of this section—

(i) With respect to any open "call" commodity option transaction, there shall be included as a current asset or a

current liability the difference between the then current market value of the futures contract and 90% of the striking price for such transaction, but only to the extent that such transaction is covered by such futures contract;

(ii) With respect to an open "put" commodity option transaction, there shall be included as a current asset or a current liability the difference between the then current market value of the futures contract and 110% of the striking price for such transaction, but only to the extent that such transaction is covered by such futures contracts;

(iii) With respect to an open "put-call" (double) commodity option transaction, there shall be included as a current asset or a current liability, whichever results in the lower net working capital of (i) the difference which results if such transaction is deemed to be an open "call" commodity option transaction and is computed pursuant to paragraph (b) (8) (i) of this section, or (ii) the difference which results if such transaction is deemed to be an open "put" commodity option transaction and is computed pursuant to paragraph (b) (8) (ii) of this section;

Provided, however, That any difference computed pursuant to paragraph (b) (8) (i), (b) (8) (ii), or (b) (8) (iii) of this section, may be included as a current asset only to the extent of the premium charged to and received from a purchaser in connection with an open commodity option transaction;

(9) No open commodity option transaction shall be offset (netted) against any other open commodity option transaction, or any other commodity option transaction entered into by the dealer, in computing net working capital or in presentation on any balance sheet or statement of net working capital of the dealer.

(c) No later than 10 days after the end of each month, commencing with the month in which the dealer has filed an application for registration pursuant to this Part, the dealer shall file an amendment to the application, in accordance with § 32.7(b), containing a statement of its net working capital as of the close of the last business day of such month, computed pursuant to paragraph (b) of this section.

(d) If, on and after April 15, 1976, the net working capital of a commodity option dealer, computed pursuant to this Part, is equal to or less than \$100,000 as at the close of any business day, such dealer shall immediately notify the Commission by telegram, promptly confirmed in writing, of the net working capital of such dealer at the close of each such business day.

§ 32.11 Maintenance of books and records.

Each commodity option dealer shall keep such books and records as are necessary to make and record daily the net working capital computation required by this Part, the daily statement of the computation thereof and such

other books and records as may be necessary or appropriate, in accordance with prudent business practice, in each case sufficient to enable the Commission to examine the records of all financial aspects of each and every commodity option transaction entered into by the dealer.

§ 32.12 Unlawful representations.

It shall be unlawful for any commodity option dealer or any affiliated person thereof expressly or impliedly to represent that the Commission, by declaring effective the registration of the commodity option dealer or otherwise, has directly or indirectly approved any dealer, or any commodity option transaction offered, entered into, or confirmed by a dealer.

§ 32.13 Fraud in connection with commodity option transactions.

It shall be unlawful for any person directly or indirectly,

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever;

in or in connection with an offer to enter into, the entry into, or the confirmation of the execution of, any commodity option transaction.

WRITTEN AND ORAL SUBMISSIONS

Interested persons are invited to submit their comments on the proposed rules in writing to the Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, Attention CCU. All submissions received prior to March 31, 1976, will be considered by the Commission in determining whether to revise or modify the proposed rules. In addition, the Commission has determined that an oral hearing on the subject and commodity option transactions in general, and on the standards imposed by the proposed rules in particular, would be of value in determining whether the proposed rules should be modified. Accordingly, the Commission will hold oral hearings to commence at 10:00 a.m. on March 8, 1976, in Washington, D.C. at a location to be announced. Persons interested in participating at the Commission's hearing should contact Ms. Jane Stuckey, Director, Office of the Secretariat, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, (202) 254-6314, before March 1, 1976. Comments already received and received in response to the Commission's announcement today will be made part of this proceeding. In addition, persons wishing to appear and make an oral presentation at the Commission hearing should forward a copy of their proposed statement to Ms. Stuckey by March 1, 1976. Oral presentations will be limited to 15 minutes and the Commission and its staff may question commentators at the conclusion of their prepared state-

ment. While the Commission has decided that the registration of persons offering commodity option transactions is an appropriate means to regulate the offer and sale of these transactions for the present time and that the imposition of adequate financial standards is a necessary adjunct to such regulation, the Commission urges all interested persons to participate at the Commission's oral hearings so that the Commission will gain additional familiarity with the various methods of offering these transactions and obtain further data to determine which practices and operations should be encouraged and which should be prohibited or otherwise restricted. In addition, the views of interested persons will be of value to the Commission's Advisory Committee which has the responsibility to make appropriate final recommendations to the Commission with respect to the offer and sale of commodity option transactions.

Issued in Washington, D.C. on February 9, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc. 76-4730 Filed 2-19-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Replacement of Lost, Stolen, or Forged Medicare Checks

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments principally relate to checks issued under the Medicare program drawn on a payer other than the Treasury of the United States, and provide for (1) the replacement of a check that has been negotiated on a forged endorsement, or has been lost, stolen, defaced, mutilated, or destroyed; and (2) the reclamation procedure to credit the appropriate Medicare account for the funds paid on a forged endorsement. The appropriate State law will determine the legal issues, rights and objections of the parties involved in the final disposition of claims arising out of an investigation of the aforementioned matters.

Benefit checks under title II of the Act (Old-Age, Survivors, and Disability Insurance) and certain checks issued under title XVIII of the Act (Health Insurance for the Aged and Disabled) are Treasury checks, and are subject to the laws and regulations applicable to the Treasury Department. Checks issued by

Medicare fiscal intermediaries and carriers to disburse title XVIII health insurance program funds are drawn on commercial banks, rather than the Treasury of the United States; and are not subject to the Federal laws and regulations which govern Treasury checks. The attached proposed regulations, therefore, provide that appropriate State laws will be utilized in the reclamation proceedings to recoup the proceeds of these checks.

The proposed regulations are consistent with the Social Security statute, and with the remedial intent of the Medicare program. The health insurance program established by title XVIII is designed to indemnify beneficiaries for their covered medical expenses; therefore, provisions should be made for replacing Medicare checks intercepted by unauthorized persons and paid on forged endorsements, and checks which have been lost, stolen, defaced, mutilated or destroyed.

Of course, adequate safeguards are also necessary and have been provided (see § 405.1696(a)) to ensure that provisions for the relief of beneficiaries in forged check cases are not abused. In cases where payment has not been made, and a replacement check is issued, a stop payment order is put on the prior check.

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, March 22, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205(a), 1102, 1814, 1816, 1833, 1842, 1871, 1872, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, as amended, 79 Stat. 309, as amended, 79 Stat. 331; 79 Stat. 332; 42 U.S.C. 405(a), 1302, 1395f, 1395h, 1395i, 1395u, 1395hh, 1395ii.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: December 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 10, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. The title of Subpart P of Part 405 which presently reads "Certification and Recertification; Requests for Payment" is revised to read as follows:

Subpart P—Certification and Recertification; Claims and Benefit Payment Requirements; Check Replacement Procedures

2. New §§ 405.1695 through 405.1697 are added to read as follows:

§ 405.1695 Replacement of U.S. Government checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

The Treasury Department is responsible for the investigation and settlement of claims in connection with Treasury checks issued on behalf of the Social Security Administration (SSA) when SSA serves as fiscal intermediary (see §§ 405.651, 405.654) for direct dealing Medicare providers. The Social Security Administration forwards reports of lost, stolen, defaced, mutilated, destroyed, or forged Treasury checks to the Treasury Department disbursing center responsible for issuance of the check. Replacement or reclamation of such Treasury checks will be undertaken in accordance with Treasury Department regulations (31 CFR Part 359).

§ 405.1696 Replacement of intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

(a) The Social Security Administration is responsible for the investigation and settlement of claims in connection with intermediary and carrier checks, including the determination that a check has been forged. Those checks which are suspected of being forged will be analyzed by the SSA Document Analysis Laboratory, and a determination will be made as to whether the endorsee's signature has been forged. If a payee is dissatisfied with a determination that the signature has not been forged, the payee may receive only administrative review of this decision; this review will be conducted by a document analyst other than the person who made the original decision. SSA forwards reports concerning lost, stolen, defaced, mutilated, destroyed, or forged carrier and intermediary checks to the issuing office of the Medicare intermediary or carrier.

(b) The carrier or intermediary will make settlement in favor of the payee prior to the recovery of the amount of the check (see § 405.1697) if the facts in the case establish:

(1) That the check is still outstanding and has not been paid; or

(2) That the check has been negotiated and paid on a forged endorsement of the payee's name, if:

(i) The payee has not participated either directly or indirectly in the proceeds of such negotiation or payment, and

(ii) The payee stated in writing, after examining the check or copy thereof, that the signature on the check is not his.

(c) If the check has not been paid, the carrier or intermediary will enter and

maintain a stop payment order against the check, and will issue another check. In those cases where the beneficiary requests another check in place of a defaced, mutilated, or destroyed check, the carrier or intermediary will obtain any remains of the check available and issue a substitute check.

§ 405.1697 Reclamation proceedings in cases of forgery of intermediary and carrier checks.

Checks issued by Medicare fiscal intermediaries and carriers to disburse title XVIII health insurance program payments are drawn on commercial banks and not the Treasury of the United States; and for this reason, such checks are not subject to the Federal laws and Treasury Department regulations which govern Treasury checks. When the Social Security Administration determines that a check has been paid on a forged endorsement, settlement will be made in favor of the payee pursuant to § 405.1696 (b) (2), and the Medicare intermediary or carrier will take appropriate action to recover the amount of the forged check in accordance with the applicable State law.

[FR Doc.76-4547 Filed 2-19-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20413; RM-2416, RM-2470, RM-2505, RM-2510, RM-2492, RM-2511, RM-2496, RM-2508, RM-2486, RM-2504, RM-2509, RM-2483]

FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ankeny, Iowa; *Copperas Cove, Tex.*; Davis, Calif.; Emmetsburg, Ia.; Frankfort, Mich.; Hiawatha, Kans.; Howell, Mich.; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; Selmer, Tenn.; Yoakum, Tex.)

1. On December 11, 1975, the Commission adopted a *Further Notice of Proposed Rule Making* in the above-entitled proceeding (41 F.R. 1088). The dates for filing comments and reply comments are presently February 9, and March 1, 1976, respectively.

2. On February 2, 1976, B. Rex Samford, by counsel, requested that the time for filing comments be extended to and including March 10, 1976. Counsel states that Mr. Samford has retained communications counsel only within the past week and accordingly is in need of additional time to permit study and evaluation of the subject proposal. The other parties in this proceeding have consented to the requested extension.

3. We are of the view that the public interest would be served by granting the additional time requested. Accordingly, **IT IS ORDERED**, That the dates for filing comments and reply comments **ARE EXTENDED** to and including **MARCH 10, and March 26, 1976, respectively.**

4. This action is taken pursuant to authority found in Sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: February 4, 1976.

Released: February 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.
[FR Doc.76-4829 Filed 2-19-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20705 RM-2599]

FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (La Belle and Naples, Florida).

1. The Commission has before it a petition filed by Thomas A. Smith (petitioner) proposing the assignment of FM Channel 221A to La Belle, Florida, as its first FM assignment, and deleting Channel 221A from Naples, Florida. The distance between La Belle and Naples is 48 miles. Channel 221A at La Belle would have to be utilized at a site east of La Belle in order to meet the minimum mileage separation of 65 miles to Station WAMR-FM at Venice, Florida, operating on Channel 221A. Although the petitioner did not propose a replacement channel for Naples, a study by the Commission staff indicates that Channel 249A could be substituted for Channel 221A at Naples. No oppositions were filed to the proposal.

2. La Belle, Florida (pop. 1,823)² is the seat of Hendry County (pop. 11,859), and is located approximately 85 miles west of West Palm Beach and 30 miles northeast of Fort Myers, Florida. It has no local broadcast facilities. Petitioner states La Belle is an incorporated community, with a mayor, city commissioners, volunteer fire department, an elementary, middle and high school, and is served by a weekly newspaper. He notes that La Belle is primarily an agricultural area specializing in production of vegetables, citrus and cattle, with major industries of frozen citrus juices and other industries related to agriculture. He asserts that Sales Management Magazine estimated the latest annual retail sales in Hendry County at 21.9 million dollars, and according to Business and Economic Dimensions, Hendry County bank deposits from March 1972 to March 1973, amounted to 25.5 million dollars.

3. Petitioner points out that there is a particular need for providing current local weather information to farmers and workers, and an important need for coverage of general events in the commu-

¹ There is a pending application for Channel 221A, Naples, Florida, filed by Sterling Communications Corporation (BPH-9583).

² All population figures are from the 1970 U.S. Census.

nity, timely coverage of high school sports from area schools, and an additional local communication facility to assist in planning an orderly growth in a growing community. He states that if the channel is assigned he will promptly file an application for its use and will design programming to meet the above-described needs of the community.

4. In view of the apparent need for a local broadcast service in La Belle, and the fact that a substitute channel has been found for Naples, Florida, without affecting any other existing FM assignment, we feel that consideration of the proposal described above is warranted.

5. Accordingly, **IT IS PROPOSED TO AMEND** the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as follows for the below named communities:

City	Channel No.	
	Present	Proposed
La Belle, Fla.		221A
Naples, Fla.	221A, 228A, 233	228A, 233, 249A

6. The Commission's authority to conduct rule making proceedings, including showings required, cut-off procedures, and filing requirements are contained in and attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before March 30, 1976, and reply comments on or before April 19, 1976.

Adopted: February 4, 1976.

Released: February 11, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b) (6) of the Commission's Rules, **IT IS PROPOSED TO AMEND** the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply

comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished to the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-4830 Filed 2-19-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 154, 260]

[Docket No. RM76-10]

RATE SCHEDULING ANALYSIS ON A CONTINUING CURRENT BASIS FPC FORM NO. 108

Further Extension of Time

FEBRUARY 12, 1976.

Several motions were made to further extend the time for filing comments on the Commission's Notice of Proposed Rulemaking issued in Docket No. RM76-10, on December 17, 1975 (41 FR 3096). By notice issued January 22, 1976 (41 FR 4605), the time for filing such comments was extended to and including February 17, 1976, for all parties.

Upon consideration, a notice is hereby given that the time for filing comments in the above matter is further extended, for all parties, to and including March 2, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4908 Filed 2-19-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 453]

FUNERAL INDUSTRY PRACTICES

Proposed Trade Regulation Rule

On August 29, 1975, the Commission published in the *FEDERAL REGISTER* (40 F.R. 39901) an Initial Notice of a proposed trade regulation rule for the funeral industry pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and § 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's Procedures and Rules of Practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the proposed rule contained therein.

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to Jack E. Kahn, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than March 5, 1976. To assure prompt consideration comments should be identified as "Funeral Rule Comment" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted in response to the Initial Notice have been placed in the public record and need not be resubmitted.

PUBLIC HEARINGS: DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the dates and times specified at each location:

1. Public hearings will commence on April 20, 1976, at 9:30 a.m. in New York, New York:

Room C-D, 2243 Federal Building, 26 Federal Plaza, New York, New York

Persons desiring to present their views orally in New York should so inform the Commission's representative listed below not later than March 30, 1976:

Ms. Ellen Zwiebel [(202) 264-1938], Federal Trade Commission, 26 Federal Plaza, New York, New York 10007

2. Public hearings will commence on May 10, 1976, at 9:30 a.m. in Chicago, Illinois:

John C. Kluczynski Federal Building, Room 347 A-B, 230 South Dearborn Street, Chicago, Illinois

Persons desiring to present their views orally in Chicago should so inform the Commission's representative listed below not later than April 19, 1976:

Mr. Alan Krause [(312) 353-2183], Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603

3. Public hearings will commence on June 1, 1976, at 9:30 a.m. in Seattle, Washington:

Room 3086, Federal Building, 915 Second Avenue, Seattle, Washington

Persons desiring to present their views orally in Seattle should so inform the Commission's representative listed below not later than May 11, 1976:

Ms. Rachel Goodisman [(206) 442-4655], Federal Trade Commission, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174

4. Public hearings will commence on June 9, 1976, at 9:30 a.m. in Los Angeles, California:

Room 13209, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California

Persons desiring to present their views orally in Los Angeles should so inform the Commission's representative listed below not later than May 19, 1976:

Kendall H. MacVey [(213) 824-7575], Federal Trade Commission, 13209 Wilshire Boulevard, Los Angeles, California 90024

5. Public hearings will commence on June 28, 1976, at 9:30 a.m. in Atlanta, Georgia:

Room 810, 730 Peachtree Street, NE., Atlanta, Georgia

Persons desiring to present their views orally in Atlanta should so inform the Commission's representative listed below not later than June 7, 1976:

Mr. Russell Rohde [(404) 285-5836], Federal Trade Commission, Room 800, 730 Peachtree Street, NE., Atlanta, Georgia 30308

6. Public hearings will commence on July 19, 1976, at 9:30 a.m. in Washington, D.C.:

Federal Trade Commission Building, Room 332, 6th and Pennsylvania Avenue, NW., Washington, D.C.

Persons desiring to present their views orally in Washington, D.C. should so inform the Commission's representative listed below not later than June 28, 1976:

Mr. William P. Golden [(202) 523-3578], Bureau of Consumer Protection, Room 479, Federal Trade Commission, Washington, D.C. 20580

Additional hearing sites may be designated at a later date by the Presiding Officer if it is demonstrated that such additional hearings are needed in order to permit oral presentations by interested parties in other cities.

INSTRUCTIONS FOR WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative

tive nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not thereby suppressed, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less unless an exception has been made, and to develop their testimony at greater length through their written submissions. Each witness is entitled to testify at only one hearing site.

Persons wishing to deliver prepared statements are required to file such statements with the designated Commission's representative listed above no later than March 30, 1976, for those witnesses appearing in New York; not later than April 19, 1976, for those witnesses appearing in Chicago; no later than May 11, 1976, for those witnesses appearing in Seattle; no later than May 19, 1976, for those witnesses appearing in Los Angeles; no later than June 7, 1976, for those witnesses appearing in Atlanta; and no later than June 28, 1976, for those witnesses appearing in Washington, D.C.

If at all possible, witnesses should furnish ten copies of their statements. Any witness not intending to deliver a statement fully prepared in advance is required to file with the designated Commission's representative (by the same date set forth above for the filing of written statements at the location where he expects to appear) a written detailed and comprehensive outline explaining the nature of his expected testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting.

Advance submittal of statements and exhibits is required to apprise other interested parties of expected testimony so they may determine the need for examination, including cross-examination, or rebuttal submissions. Such submittals will be made available for viewing by the Commission representatives designated above at the location where the witness intends to appear.

The Presiding Officer retains the discretion to require that any oral presentation be submitted in full in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file appropriate statements or comply with the advance notification requirements of this Notice.

Prospective witnesses who plan to introduce documents or other written evidence as exhibits to their statements must furnish such documents or written evidence, properly identified with the witness' name and sequential number (i.e., Jackson Exhibit-1), by the same dates set out above for the filing of expected testimony, depending on the location at which the witness intends to appear, unless for good cause shown they can demonstrate why this could not have been done at that time.

All prospective witnesses may and, indeed, are encouraged to direct their statements towards any question of fact, law, policy or discretion relevant to the proposed rule, and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the designated issues set forth below, or to be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer, or to cross-examination by the Presiding Officer on behalf of such representatives, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

DESIGNATED ISSUES

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d)(1) of the Commission's Procedures and Rules of Practice as issues to be considered in accordance with § 1.13(d)(5) and (6) of said Procedures and Rules of Practice. Pursuant to statute and the Commission's rules of practice, testimony with respect to these issues may entitle designated representatives or other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by interested persons, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must, by March 5, 1976, notify the Presiding Officer in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to such issues. In the event new issues are added interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue in the same manner. Request to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings commence, the Presiding Officer will identify groups of

persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination, and, if unable to agree the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative, may be allowed to conduct or have conducted any examination, including cross-examination, or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

DESIGNATED ISSUES UNDER § 1.13(d)(1)

Practices. 1. Have funeral service industry members performed embalming without obtaining prior authorization when such authorization could have been obtained from an individual responsible for making funeral arrangements and when the embalming was not legally required?

2. Have funeral service industry members taken possession of deceased human remains without prior authorization from an individual responsible for making funeral arrangements?

3. Have funeral service industry members refused requests to release deceased human remains to the custody of a family member or other individual responsible for making funeral arrangements?

4. (a) Have funeral service industry members and/or crematories required customers desiring immediate cremations to purchase a casket?

(b) Have such requirements imposed on some customers merchandise they did not want and additional costs which could have been avoided but for the requirement?

5. Have funeral service industry members failed to provide containers or inform customers as to the availability of containers which are less expensive than caskets and which could be used practically for an immediate cremation?

6. Have funeral service industry members misrepresented on customer billing statements the amounts actually advanced, paid, or owed on behalf of customers for items such as those listed below?

Crematory charges
Cemetery charges
Flowers
Obituary notices
Limousines
Pallbearers
Clergy honoraria
Charges of another undertaker

7. Have funeral service industry members misrepresented legal, public health and/or religious requirements to customers or potential customers?

8. Have funeral service industry members claimed, suggested, or encouraged a belief by customers or potential customers that embalming; a casket, sealed or unsealed; or a burial vault, sealed or

unsealed; would prevent natural decomposition of deceased human remains when such was untrue or misleading?

9. Have funeral service industry members claimed or suggested to customers or potential customers that particular caskets or burial vaults were or would remain airtight or watertight when such was not the case?

10. Have funeral service industry members prevented or discouraged customers from purchasing less expensive caskets by not displaying such caskets, defacing or disparaging them, placing them in different rooms or in inaccessible locations or displaying them in surroundings which are markedly inferior to the way other caskets are displayed?

11. Have funeral service industry members displayed less expensive caskets in colors known to be unattractive to many customers for the purpose and with the effect of dissuading customers from purchasing such caskets or encouraging customers to purchase the higher-priced caskets?

12. Have funeral service industry members used sales commissions and other employee compensation plans to encourage sales of higher-priced products and services to customers and to discourage or penalize sales of lower-priced ones?

13. Have funeral service industry members utilized other sales and merchandising policies and practices to prevent, impede or obstruct the purchase by customers of certain funeral merchandise, particularly less expensive merchandise which is available?

14. Have funeral service industry members sought to prevent price-value comparisons by customers or potential customers by displaying merchandise in ways which make such comparison difficult?

15. Have funeral service industry members disparaged or otherwise sought to discourage or prevent a customer's consideration of or concern about prices?

16. Have funeral service industry members failed to disclose or make available prior to selection by customers by means of price lists, signs or cards and telephone disclosures information on the price and availability of individual items of service and merchandise commonly selected such as embalming, use of facilities for services, caskets, and burial vaults?

17. Have funeral service industry members failed to disclose or misrepresented to customers any applicable cemetery outer enclosure requirements or other material information concerning the availability, prices and selection of outer interment receptacles?

18. Have funeral service industry members failed to provide customers with a written accounting of the products and services used in the funeral service selected and an itemization of their individual prices?

19. Have funeral service industry members tied the purchase of some goods and services to the purchase of other goods and services?

20. (a) Have funeral service industry members failed to provide to customers or to inform customers, in advance of the availability of discounts or adjustments to the price of funerals for items which were not used or not desired by the customers?

(b) Have funeral purchasers paid for services they did not need or want because of an unwillingness by a funeral service industry member to provide price reductions or adjustments for declined items?

21. In what ways, if any, have funeral service industry members or other individuals or entities restrained, harassed, or interfered with the marketing (including advertising) and sales of funeral merchandise and services and alternative methods of disposition, including pre-need arrangements, cremation services, and contracts with memorial societies?

22. In what ways, if any, has price advertising by funeral service industry members been prohibited, restricted or obstructed?

23. *Circumstances of the funeral transaction.* Does the funeral transaction have distinctive characteristics (e.g., effects of bereavement, infrequency of purchase by the buyer, time pressures and the like) which serve to place the consumer in a disadvantaged bargaining position relative to the funeral director and leave the consumer especially vulnerable to unfair and deceptive practices?

24. *Consumer knowledge of relevant considerations.* Have consumers purchased funeral services and products with incomplete or inaccurate prior knowledge of: legal requirements and prohibitions; available alternatives respecting disposition of the dead and commemorative services; funeral homes' offerings and prices; and other material information?

25. *Level of price competition in funeral industry.* To what extent has competition operated in the funeral service industry to avoid excess capacity, eliminate inefficiencies and to produce prices at competitive levels?

26. To what extent have funeral service industry members advertised the prices of their products and services in print or broadcast media and to what extent have funeral homes utilized non-price advertising in such media?

27. *State regulation of unfair and deceptive funeral practices.* Have State regulations or enforcement actions adequately regulated funeral practices such as those described in Questions 1-22 above?

28. *Exception to itemization requirement for low priced packaged funerals.*

(a) Will mandatory itemization as required by § 453.5 (e) and (f) of the proposed rule force funeral service industry members to increase the prices of funerals, especially the least expensive funerals?

(b) If it is determined that mandatory itemization will result in price increases, should there be an exception to the itemization requirement in order to prevent

price increases for the least expensive funerals?

(c) To meet the objective of avoiding increases in the prices of the least expensive funerals and of preventing any exception from serving as a loophole which defeats the remedial purposes of the itemization requirement, what dollar cut-off should be used for the exception in § 453.5 (e) and (f) for "lower-priced" package funerals?

29. *Special funerals.* (a) Do funeral service industry members offer special funerals whose availability is restricted to certain groups of consumers?

(b) If it is determined that special funerals are offered, are there provisions of the proposed rule whose application to such funerals would be impractical or unwise?

30. *Pre-need sales.* (a) Can funeral consumers obtain lower prices and avoid problems associated with at-need sales by making funeral arrangements in advance of need?

(b) Has the availability of before-need arrangements been restricted in ways which injure rather than protect consumer interests, by States laws or regulations, or by actions of funeral service industry members or trade associations?

SUMMARY OF CLOSING DATES

1. Notification of interest; March 5, 1976.
2. All written comments; March 5, 1976.
3. Witnesses' prepared statements (or comprehensive summaries) and exhibits for:
 - (a) New York hearing—March 30, 1976;
 - (b) Chicago hearing—April 19, 1976;
 - (c) Seattle hearing—May 11, 1976;
 - (d) Los Angeles hearing—May 19, 1976;
 - (e) Atlanta hearing—June 7, 1976;
 - (f) Washington, D.C. hearing—June 28, 1976.

SUMMARY OF HEARING DATES

1. New York, N.Y.—April 20, 1976.
2. Chicago, Ill.—May 10, 1976.
3. Seattle, Wash.—June 1, 1976.
4. Los Angeles, Calif.—June 9, 1976.
5. Atlanta, Ga.—June 28, 1976.
6. Washington, D.C.—July 19, 1976.

Issued: February 17, 1976.

JACK E. KAHN,
Presiding Officer.

[FR Doc. 76-4864 Filed 2-19-76; 8:45 am]

[16 CFR Part 443]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Extension of Time To Submit Written Comments on Proposed Amendment to Trade Regulation Rule

Final notice of rulemaking for the instant proceeding, including the deadline for submission of written comments, was published in the FEDERAL REGISTER on February 5, 1976 (41 FR 5305). In re-

sponse to requests from the National Consumer Finance Association and others, and pursuant to the authority of Section 1.13(c)(1) of the Commission's Procedures and Rules of Practice, the Presiding Officer has determined to extend the time to submit written comments for a period of fourteen days beyond the original closing date of February 20, 1976. Accordingly, the record in this proceeding will remain open for receipt of all written comments until March 5, 1976.

The extension of time within which written comments will be received does not in any fashion alter the other dates and deadlines specified in the final notice of rulemaking (e.g., hearing dates, deadline for submission of prepared statements). Written comments on the proposed amendment should be filed with C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

Issued: February 17, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc. 76-5007 Filed 2-19-76; 8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Authority To Bar Advance Payments

The following regulatory change is made to provide that Directors of regional offices and VA centers shall have discretionary authority pursuant to § 21.4136 to bar advance payments at schools which are unable to comply with the legal requirements for delivery of the checks and certification of the enrollment or which cannot provide security for checks until delivery is made.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 22, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these changes effective date of final approval.

In § 21.4136, paragraph (j) (2) (introductory portion preceding subdivision (i)) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Ch. 34.

(j) Advance payment. * * *

(2) *Payment.* Upon receipt of an application and if there is no evidence in the veteran's, serviceman's, or servicewoman's file showing that he or she is not eligible for such an advance the check for the allowance, made payable to the veteran, serviceman or servicewoman shall be mailed to the institution for delivery to the veteran, serviceman or servicewoman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his or her program. If delivery is not made within 30 days after commencement of the program, the institution shall return the check to the Veterans Administration. The director of the regional office or VA center of jurisdiction may direct that advance payments shall not be made to veterans and other eligible persons if the institution demonstrates an inability to comply with these requirements, if the institution fails to adequately provide for the safekeeping of the checks prior to delivery to the student or return to the Veterans Administration, or if he or she determines, based upon compelling evidence, that the institution demonstrates its inability to discharge its responsibilities under the advanced payment program.

Approved: February 13, 1976.

By director of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 76-4957 Filed 2-19-76; 8:45 am]

[38 CFR Part 21]

VETERANS EDUCATION

Approval and Termination of Courses; Certification of Enrollments

The Administrator of Veterans Affairs proposes to amend Part 21 of the Code of Federal Regulations to provide new criteria for approval of courses which include internship and off-campus training, for terminating courses not leading to a college degree and for certifying enrollments. Specific changes are as follows:

Section 21.4135 is amended to provide that failure to submit required certifications of attendance in courses not leading to a standard college degree shall result in termination of benefits date of last certification rather than date of last payment.

Section 21.4200 is amended to add a definition for "standard class session."

Section 21.4203 is amended to make enrollment certification for the duration of the course optional rather than mandatory, and to clarify reporting procedures.

Section 21.4233 is amended to indicate that cooperative training may be offered

which combines the institutional and work portions in the same day, same week or same month.

Section 21.4264 is amended to indicate that educational assistance allowance shall be paid for farm cooperative training only to those veterans and other eligible persons who are engaged full-time in a farming occupation, not to those who farm as an avocation.

Section 21.4265 is added to provide criteria for approval of courses which include training by internship, off-campus or experience type programs.

Section 21.4275 is amended to consolidate that portion of it which deals with approval criteria with new § 21.4265 and to restate the substance of measurement criteria without change, as the portion remaining.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 22, 1976 will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these changes effective date of final approval.

1. In § 21.4135, paragraph (h) (1) is revised to read as follows:

§ 21.4135 Discontinuance dates.

(h) *Required certifications not received after certification of enrollment (§§ 21.4203 and 21.4204).* (1) If required certification of attendance of a veteran or eligible person enrolled in a course not leading to a standard college degree is not timely received, payments will be terminated date of last certification. If certification is later received, adjustment will be made based on facts found.

2. In § 21.4200, paragraph (g) is added to read as follows:

§ 21.4200 Definitions.

(g) *Standard class session.* The term means the amount of time a student is required, in a regular quarter or semester, to spend in class per week for one quarter or one semester hour of credit. Normally a standard class session is not less than 1 hour (or 50-minute period) of academic instruction, 2 hours of laboratory training, or 3 hours of workshop training.

3. In § 21.4203, paragraphs (b) (1) and (d) are revised to read as follows:

§ 21.4203 Reports by schools; requirements.

(b) *Entrance or reentrance.* The certification must clearly specify the course. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. The authorization will be for the period of enrollment or the extent of the eligible person's entitlement whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis shall generally report enrollment for the term, quarter or semester or the complete course to the expected date of graduation. If a certification covers two or more terms the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman, a separate enrollment certification will be required for each term, quarter or semester.

(d) *Interruptions and terminations.* When a veteran or eligible person interrupts or terminates his or her training for whatever reason, including unsatisfactory conduct or progress, this fact must be reported promptly to the Veterans Administration.

(1) If the course does not lead to a standard college degree, the school shall submit the report required by this paragraph and paragraph (c) of this section as follows:

(i) If the quarterly certification of attendance that is normally required for the student is due to be filed during or immediately after the end of the month in which the change in status occurs the report will be included on the quarterly certification.

(ii) If no quarterly certification is due during the month in which the change of status occurs, the school shall report the change in status to the Veterans Administration, during or immediately after the end of the month in which the change occurred, including a certification of the absences of the student since the last quarterly certification was filed or the course began.

(2) If the course leads to a standard college degree the school will initiate a

report of the change in the status of the student during or immediately after the end of the month in which the change occurs. The official date of change of status or interruption or termination shall be in accordance with § 21.4253(d) or 21.4254(c) (7).

4. In § 21.4233, paragraph (a) (1) is revised to read as follows:

§ 21.4233 Combination.

(a) *Cooperative courses.* A full-time program of education consisting of phases of school instruction alternated with training in a business or industrial establishment with such training being strictly supplemental to the school instruction may be approved. Alternating periods may be a part-day in school and a part-day on job or may be such periods which alternate on a daily, weekly, monthly or on a term basis. For purposes of approval the school offering the course must submit to the State approving agency, with its application, statements of fact showing at least the following:

(1) That the alternate in-school periods of the course are at least as long as the alternate periods in the business or industrial establishment; where the course is approved as continuous part-time work and part-time study in combination, it shall be measured on the basis of the ratio which each portion of the training bears to full time as defined in § 21.4270 (c) and (g). The institutional portion must be at least equivalent to one-half time training and must be combined with a job training portion sufficient for the combined training to equal full time.

5. In § 21.4264, paragraphs (a) introduction and (b) (3) are revised to read as follows:

§ 21.4264 Farm cooperative courses.

(a) *General.* A farm cooperative course is an institutional agricultural course which is pursued by an individual who is concurrently engaged in substantially full-time agricultural employment which is relevant to the agricultural course. Such a course provides training on a reduced basis to those engaged in farming, compared to other types of courses. Part-time benefits are provided for students whose farming operations will not permit them to attend class at least 10 hours a week.

(b) *Application.* Any school desiring to enroll veterans, spouses or children in farm cooperative courses will submit to the appropriate State approving agency a written application for approval in accordance with § 21.4253 or 21.4254 as appropriate. In addition, the school must submit statements of fact showing at least the following:

(3) That the school itself verifies on a continuing basis that students are engaged in suitable agricultural employ-

ment which is relevant to the institutional agricultural course offered by the school and is in an area consistent with their institutional training program. Suitable agricultural employment must include employment on a farm or other agricultural establishment where the basic activity is the cultivation of the ground, such as the raising and harvesting of crops, including fruits, vegetables, pastures, or the feeding, breeding and managing of livestock, including poultry and other specialized farming. Employment in training establishments which are engaged primarily in the processing, distribution or sale of agricultural products, or combinations thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards, and florist shops, will not be considered suitable agricultural employment. Substantially full-time agricultural employment must be the principal expected source of earning the student's livelihood. However, part-time nonagricultural employment will be permitted if it is less than the total effort required in pursuit of the agricultural employment.

(38 U.S.C. 1682; 1732)

6. Section 21.4265 is added to read as follows:

§ 21.4265 Practical training approved as institutional training or on-job training.

(a) *Medical-dental internships and residencies.* Medical, osteopathic, and dental internships and residencies will be recognized as institutional courses when accredited and approved by an appropriate accrediting agency as leading to certification for a recognized professional objective. The appropriate accrediting agencies are the Council on Medical Education of the American Medical Association, the American Osteopathic Association and the Council on Dental Education of the American Dental Association. Residency programs must lead to certification by an appropriate Specialty or Subspecialty Board of the American Medical Association, the American Osteopathic Association, or the American Dental Association. Residency programs will not be approved to include a period of practice following completion of the education requirements even though the practice is required by the accrediting agency. No other medical, osteopathic, or dental internship or residency will be recognized as institutional training.

(b) *Nursing courses.* (1) Courses for the objective of registered nurse or registered professional nurse will be assessed as institutional training when they are provided in autonomous schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities, if they are accredited by a nationally recognized accrediting agency or if they meet the requirements of the licensing body of the State in which the school is located. The hospital or field-work phase of a nursing course, including

a course leading to a degree in nursing, will be assessed as an institutional course when the hospital or fieldwork phase is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the school during the period, and the training is under the direction and supervision of the school.

(2) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be assessed as institutional training including both the academic subjects and the clinical training if the clinical training is offered by an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training. Also they must be accredited by a nationally recognized accrediting agency or meet the requirements of the licensing body of the State in which the school is located.

(3) Enrollment in an institutional course for the objective of nurse's aid or in a nonaccredited nursing course which does not meet the licensing requirements in the State where the course is offered will not be authorized.

(c) *Medical and dental specialty courses.* (1) Required clinical training included in a school course given in an affiliated hospital, clinic, laboratory or medical center as a part of a medical or dental specialty course whether accredited or nonaccredited offered by a school such as X-ray technician, medical technician, medical records administrator, physical therapist or dental technician shall be assessed as institutional training provided:

- (i) The student remains enrolled in the course during the clinical period; and
- (ii) The clinical training is:
 - (a) An integral part of the course;
 - (b) A prerequisite to the successful completion of the course; and
 - (c) Under the direction and supervision of the school.

(2) Medical and dental specialty courses offered in hospitals, clinics, laboratories, or medical centers which are accredited as institutional courses by a nationally recognized accrediting agency will be assessed as institutional training.

(3) Clinical training included in a school course given in a physician's office or a dentist's office, also called externship, will be recognized as part of the institutional training if the course is accredited by a nationally recognized accrediting agency and meets the other requirements of paragraph (c) (1) of this section. If the course is not so accredited such practical or on-the-job training or experience in a physician's office may not be included unless the program is approved as a cooperative course.

(4) Nonaccredited courses offered in hospitals, clinics, laboratories, or medical centers will be considered on-the-job training when the courses meet the requirements of § 21.4262.

(d) *Medical and dental assistants courses.* Programs offered by an institution to qualify a person for the position of full-time physician's assistant or dentist's assistant will be regarded as institutional training.

(e) *Professional training courses.* (1) Any non-medically related professional internship program, such as a clinical pastoral course, will be recognized as an institutional course when it is accredited as an institutional course by a nationally recognized accrediting agency, and

(2) The approved facility for such a course must be the institution or other facility where the training is given.

(f) *Other practical training courses.* (1) Other off-campus job experience included in a school course, variously described by schools as internship, residency, practicum, externship, et cetera, may be included as a part of a cooperative program when the course meets the requirements of § 21.4233(a).

(2) However, such off-campus courses may be considered as resident institutional training only if all of the following conditions are met. The course is:

- (i) Accredited by a nationally recognized accrediting agency or is offered by a school that is accredited by one of the regional accrediting associations;
- (ii) A part of the approved curriculum of the school;
- (iii) Directly supervised by the school;
- (iv) Measured in the same unit as other courses;
- (v) Required for graduation; and
- (vi) Has a planned program of activities described in the school's official publication which is approved by the State approving agency and which is institutional in nature as distinguished from training on-the-job. The description shall include at least:

- (a) A unit subject description;
- (b) A provision for an assigned instructor;
- (c) A statement that the planned program of activities is controlled by the school, not by the officials of the job establishment;
- (d) A requirement that class attendance on at least a weekly basis be regularly scheduled to provide for interaction between instructor and student;
- (e) A statement that appropriate assignments are required for completion of the course;
- (f) A grading system similar to the system used for other resident subjects offered by the school; and
- (g) A schedule of time required for the training which demonstrates that the student shall spend at least as much time in preparation and training as is normally required by the school for its other resident courses.

(g) *Nonaccredited courses.* Any non-accredited internship program not given in a school will be recognized as other on-the-job training when it meets the requirements of § 21.4262 and when the program is required for licensure by the

State in which it is offered. (See § 21.4275 for measurement.)

7. Section 21.4275 is revised to read as follows:

§ 21.4275 Practical training courses; measurement.

(a) *Medical, osteopathic, and dental internships and residencies.* Medical, osteopathic, and dental internship and residency courses will be measured as full-time training if accredited and approved as fulltime is accordance with § 21.4265 (a).

(b) *Nursing courses.* (1) Courses for the objective of registered nurse or registered professional nurse will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. The clock hours of attendance may include academic class time, clinical training, and supervised study periods.

(2) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be measured on credit hours or clock hours of attendance per week whichever is appropriate.

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses offered by a school whether accredited or nonaccredited, shall be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate.

(2) Medical and dental specialty courses offered in hospitals, clinics, laboratories or medical centers which are accredited by a nationally recognized accrediting agency shall be measured on the basis of clock hours of attendance per week.

(d) *Medical and dental assistants courses.* These programs will be measured on a credit-hour or clock-hour basis as appropriate. Programs including classroom and practical training, will be considered full time if 30 clock hours of attendance per week are required. Part-time measurement shall be in accordance with the provisions of § 21.4270 (a) or (c) as appropriate.

(e) *Professional training courses.* Non-medically related professional training courses, such as the clinical pastoral course, shall be measured in semester hours of attendance or clock hours of attendance per week, whichever is appropriate.

(f) *Other practical training courses.* These courses will be measured in semester hours of credit or clock hours of attendance per week, whichever is appropriate, if approved under § 21.4265 (f). (See § 21.4265 for approval.)

Approved: February 13, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-4958 Filed 2-19-76; 8:45 am]

**INTERSTATE COMMERCE
COMMISSION**

[49 CFR Part 1125]

[Ex Parte No. 293 (Sub-No. 8)]

**STANDARDS FOR THE COMPUTATION OF
COMMUTER RAIL PASSENGER SERVICE
SUBSIDIES**

Notice of Proposed Rulemaking

This notice of proposed rulemaking is issued pursuant to section 205(d)(5) of the Regional Rail Reorganization Act of 1973 (the "Act"), 45 U.S.C. 715(d)(5), as amended by section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), which directs the Rail Services Planning Office (the "Office") of the Interstate Commerce Commission (the "Commission") to:

* * * within 180 days after the date of enactment of the Railroad Revitalization and

Regulatory Reform Act of 1976, issue additional regulations, after conducting a proceeding in accordance with the provisions of section 553 of title 5, United States Code, which contain—

(A) standards for the computation of subsidies for rail passenger service (except passenger service compensation disputes subject to the jurisdiction of the Commission under section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a))), which are consistent with the compensation principles described in the final system plan and which avoid cross subsidization among commuter, inter-city, and freight rail services; and

The Office intends to issue proposed regulations containing such standards at the earliest possible date. It believes that public comment and suggestions will prove valuable to it in developing the regulations and standards.

This notice, therefore, is to inform interested persons of the Office's intent to issue regulations containing standards for the computation of rail passenger

service subsidies and to invite the submission of written comments and suggestions. The Office is particularly interested in receiving views as to what elements of revenues and costs should be treated in the standards and what bases should be used for apportioning costs which may be jointly shared by commuter passenger services with rail freight services or intercity passenger services; or both.

The original and three copies of any comments should be filed with the Office on or before March 15, 1976. Comments should be addressed to:

Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423.

By the Commission, Rail Services Planning Office.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4924 Filed 2-19-76;8:45 am]

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ceive this advice in order to carry out the Department's responsibilities.

The committee will serve the Secretary and the public by providing expertise, counsel and varied views necessary to develop statements which will be responsive to divergent user perspectives. To accomplish this, the Department will invite prominent individuals from the business and academic community and administrators of Federal, state or local governments to participate. A group of this caliber would provide an objective and fresh new look at appropriate concepts for consolidated financial statements. Balance thus achieved will benefit Treasury in that all points of view will receive consideration.

Treasury expects that some of the advisory group members will be able to utilize their own resources to address issues and problems. Treasury anticipates that many of the broad conceptual issues can be resolved before June, 1977.

Comments relating to this notice should be submitted in writing to the Director, Government Accounting Systems Staff, Bureau of Government Financial Operations, Treasury Annex No. 1, Washington, D.C. 20226 and received not later than March 9, 1976.

Dated: February 17, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-4956 Filed 2-19-76; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE

Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, will meet on Wednesday and Thursday, March 10 and 11, 1976, in Culver City, California. The meeting will convene at 1:00 p.m., Wednesday, March 10 in Room 1223 of the Americana Hotel, 6161 Centinella Ave., Culver City, CA. 90230. The meeting is scheduled to break for the day at 9:00 p.m., reconvene at 8:30 a.m. on Thursday, March 11, and adjourn by 12:30 p.m. that day.

Discussions will focus on the jurisdiction and procedures of and dispositional alternatives available to courts designated to handle matters involving juveniles. Among the topics to be discussed will be pre-hearing procedures, appointment of guardians *ad litem*, jurisdiction over status offenses, and the appropriate criteria for selecting among the available dispositional alternatives. Also to be discussed will be general strategies for facilitating the adoption of proposed standards.

The meeting will be open to the public. For further information, please contact: Milton L. Luger, Assistant Admin-

istrator, Law Enforcement Assistant Administration for the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, DC 20531.

GERALD H. YAMADA,
Attorney-Advisor, Office of Gen-
ment Assistance Administra-
tion.

[FR Doc.76-4866 Filed 2-19-76; 8:45]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27575]

NEW MEXICO

Application

FEBRUARY 10, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, S $\frac{1}{2}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 1.120 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Min-
erals Operations.

[FR Doc.76-4850 Filed 2-19-76; 8:45 am]

[NM 27578]

NEW MEXICO

Application

FEBRUARY 10, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 12-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 33 E.,
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$
SW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$
SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 3.645 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.76-4851 Filed 2-19-76; 8:45 am]

[NM 27595 and 27597]

NEW MEXICO

Applications

FEBRUARY 13, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 31 N., R. 8 W.,
Sec. 84, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 31 N., R. 10 W.,
Sec. 10, lots 10 and 11.

These pipelines will convey natural gas across .342 of a mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-4874 Filed 2-19-76; 8:45 am]

ALASKA

Proposed Withdrawal and Reservation of Lands

FEBRUARY 11, 1976.

The Forest Service, Department of Agriculture, has filed an application, serial number AA-3060, for withdrawal of the lands described herein from location and entry under the public mining laws. The purpose of the withdrawal is for the protection of present and proposed recreational developments on three recreation areas within the Chugach National Forest. There is heavy recreational use of all three areas at the present time and a sizeable increase

in use for purposes of fishing, hiking, hunting, picnicking, camping and sight-seeing is expected in the future. The Cooper Lake and Russian River Recreation Areas contain public campgrounds and picnic areas. The Russian River Recreation Area is very heavily used as a fishing area. The Juneau Falls Recreation Area includes camping and picnic grounds, a scenic overlook, and parking terminus for the Resurrection Pass trail. An appropriation of the land under the mining laws would not be compatible with the above uses.

On or before March 22, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary of the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are described as follows:

CHUGACH NATIONAL FOREST, SEWARD MERIDIAN, ALASKA

RUSSIAN RIVER RECREATION AREA

T. 5 N., R. 4 W.,

SEWARD MERIDIAN (PROTRACTED)

Sec. 33: fractional part of N $\frac{1}{2}$ between Kenal River on the north and Russian River on the south; NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Russian River.

Sec. 34: that part of SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of Kenal River and east of Russian River.

Containing approximately 340 acres.

COOPER LAKE RECREATION AREA

T. 4 N., R. 3 W.,

SEWARD MERIDIAN (PROTRACTED)

Sec. 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$ (fractional).

T. 5 N., R. 3 W.,

SEWARD MERIDIAN (PROTRACTED)

Sec. 1: W $\frac{1}{2}$ (fractional), W $\frac{1}{2}$ E $\frac{1}{2}$.

Sec. 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ (fractional).

Containing approximately 375 acres.

JUNEAU FALLS RECREATION AREA

T. 5 N., R. 4 W.,

SEWARD MERIDIAN (PROTRACTED)

Sec. 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing approximately 320 acres.

The above parcels aggregate approximately 1,053 acres in the Kenai Peninsula Borough.

CURTIS V. McVEE,
State Director.

[FR Doc. 76-4875 Filed 2-19-76; 8:45 am]

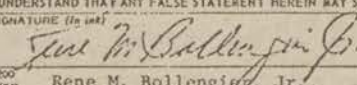
Fish and Wildlife Service ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Eastern Peregrine Falcon Recovery Team, U.S. Fish and Wildlife Service, Concord, New Hampshire 03301
Rene M. Bollengier, Jr.,—Team Leader

OMB NO. 42-1970

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		☐ IMPORT OR EXPORT LICENSE ☐ PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Research, propagation, release and management of the Peregrine Falcon.													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Rene M. Bollengier, Jr., Team Leader Eastern Peregrine Falcon Recovery Team U. S. Fish and Wildlife Service P. O. Box 1518, 55 Pleasant Street Concord, New Hampshire 03301 Telephone: 603/225-9621		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION. Eastern Peregrine Falcon Recovery Team - See justification on attachment.													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>☒ MR. ☐ MRS. ☐ MISS ☐ MS.</td> <td>HEIGHT 5' 10"</td> <td>WEIGHT 190 lbs.</td> </tr> <tr> <td>DATE OF BIRTH January 4, 1935</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Hazel</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 603/225-9621</td> <td colspan="2">SOCIAL SECURITY NUMBER 036-22-4124</td> </tr> <tr> <td colspan="3">OCCUPATION Wildlife Biologist</td> </tr> </table> ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Wildlife agencies of States listed in Section #6, Cornell University and Peregrine Fund, Inc.		☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5' 10"	WEIGHT 190 lbs.	DATE OF BIRTH January 4, 1935	COLOR HAIR Brown	COLOR EYES Hazel	PHONE NUMBER WHERE EMPLOYED 603/225-9621	SOCIAL SECURITY NUMBER 036-22-4124		OCCUPATION Wildlife Biologist			7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO (If yes, list license or permit number) Banding #9678, Collecting #13-SC-19 BO plus appropriate state permits	
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5' 10"	WEIGHT 190 lbs.													
DATE OF BIRTH January 4, 1935	COLOR HAIR Brown	COLOR EYES Hazel													
PHONE NUMBER WHERE EMPLOYED 603/225-9621	SOCIAL SECURITY NUMBER 036-22-4124														
OCCUPATION Wildlife Biologist															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? ☐ YES ☐ NO (If yes, list jurisdictions and type of documents) Approval is or will be obtained.													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF No fee		10. DESIRED EFFECTIVE DATE February 1, 1976													
11. DURATION NEEDED Indefinite		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.23) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. See attachment - 50 CFR 17.23													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink)  Rene M. Bollengier, Jr.		DATE 2/10/76													

APPLICATION FOR ENDANGERED SPECIES PERMIT TO CONDUCT SCIENTIFIC RESEARCH AND MANAGEMENT

SPECIES: AMERICAN PEREGRINE FALCON (FALCO PEREGRINUS ANATUM) NORTH AMERICAN ARCTIC PEREGRINE FALCON (FALCO PEREGRINUS TUNDRIUS)¹

¹ This subspecies is not officially recognized by the AOU Checklist Committee. It is still recognized as *anatum* by this source.

As required by the Endangered Species Act of 1973, 50 CFR 17.23 the Eastern Peregrine Falcon Recovery Team is hereby applying for an Endangered Species Permit to initiate and continue ongoing research and management programs directed toward restoration of the Peregrine Falcon in the eastern United States. We are making application to engage in the activities listed below, and further are requesting that the authority of this permit be extended not only to

the team leader, but to all members of the team and those persons responsible to and under the direct control of the team, as well as those federal and state agencies cooperatively working with the team to restore the Peregrine Falcon.

1. *Conduct scientific research on the Peregrine Falcon in the east, including:* (a) Continuation and expansion of census of traditional and potential eyrie sites to establish suitability for occupancy, activity, productivity, and population trends; (b) collect infertile eggs and shell fragments for analysis when appropriate; (c) international and interstate receipt and transport of carcasses, eggs, and egg shell fragments for analysis; (d) capture, band, color mark, radio-tag and/or hold for study, immature peregrines to monitor movements and behavior; (e) to take whatever action necessary to evaluate mortality factors and causes when a carcass is retrieved.

2. *Introduce captive produced peregrine falcons to the wild by:* (a) Placement of captive produced eggs or young in eyries inter and intra specific foster parentage; (b) release of young or adults at historical or potential eyrie sites; and (c) placement of eggs and/or young in wild eyries to augment natural broods.

3. *Augment production of introduced or wild peregrines through double clutching.* Pairs that are known to fail during incubation will be visited at egg laying, and the first clutch removed, causing the adults to recycle and lay a second clutch, which they will be permitted to attempt to rear. Meanwhile, the first clutch will be artificially incubated and upon hatching will be returned to the original eyrie, placed under other wild adults, or returned to the wild by acceptable release techniques.

4. *Increase heterogeneity of stock held for captive propagation by:* (a) Exchange of captive produced eggs and/or young for wild produced eggs and/or young; (b) in extreme cases, removal and retention of eggs or young from eyries that are jeopardized; (c) removal of small numbers of eggs and/or young from reproductively stable local populations, and (d) international and interstate transfer, exchange, or loan of propagation stock through state and federally authorized propagation programs.

5. *Rehabilitate injured peregrines and salvage dead specimens.* In cases when rehabilitated falcons are incapable of sustaining themselves in the wild, they will be retained for captive propagation at state and federally approved facilities, or turned over to qualified institutions for use in public education.

6. *Photograph and film eyrie sites, young and adults in the wild to document research and management efforts and provide material for conservation education purposes.*

The Recovery Team realizes that not all of these activities are likely to be undertaken simultaneously, and several of the proposed activities are likely to occur rarely, if ever. Owing to the serious nature of the problems affecting the peregrine falcon population at this time, it is essential that prompt actions can be taken in emergency situations. We are requesting some latitude be permitted the team to act in the best interest of the peregrine. One of the stipulations we are requesting be included in the permit is that the above activities may be undertaken only with approval and supervision of the team and responsible state wildlife agencies.

* Samples for analysis of pesticide residues will be sent to the appropriate U.S. Fish and Wildlife Service Lab to maintain uniformity in results.

Justification. This permit is necessary for the team to implement and supervise the recovery plan that it has been charged to develop by the Director, U.S. Fish and Wildlife Service for restoration of a breeding peregrine population in the eastern United States. The scientific rationale and the justification for conservation and for the public interest, of the activities for which we request this permit, have been published in several places, and concerned parties should consult any or all of the following:

Cade, T. J. 1974. Plans for managing the survival of the peregrine falcon. *Proceedings of the Conf. on Raptor Conservation Techniques*, Fort Collins, Colorado. *Raptor Research Report No. 2*: 89-104.

Cade, T. J. 1975. Falcon farming. *Animal Kingdom* 78(1): 3-9.

Clement, Roland C. (Editor) 1974. *Peregrine Falcon Recovery—proceedings*. Audubon Conservation Report No. 4. National Audubon Society.

Zimmerman, D. R. 1975. To save a bird in peril. 286 pages. Coward, McCann and Geoghegan, Inc., New York.

Zimmerman, D. R. 1975. That the peregrine shall live. *Audubon* 77(6): 38-9.

Endangered Species Act of 1973, Public Law 93-205, 93rd Congress, S. 1983, December 28, 1973.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 22, 1976, will be considered.

Dated: February 17, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.76-4960 Filed 2-19-76; 8:45 am]

National Park Service PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9 a.m. on Saturday, March 6, 1976, in Room 912 of the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport (Chairman)
Dr. Robert L. Whitner (Secretary)

Mr. Leo V. Bodine
Mr. J. Allen Jensen
Mr. Roger Mellem
Dr. Richard M. Noyes
Mr. Wesley A. Phillips, Jr.
Mrs. Gwynneth G. Wilson

The matters to be discussed at this meeting include:

1. Alaska Report.
2. Regional Priorities—Development Program.

3. The status of legislative proposals for new areas, boundary adjustments, and raising of ceilings for construction and land acquisitions.

4. Backcountry management programs and issuing of backcountry permits.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Glenn D. Gallison, Associate Regional Director, Cooperative Activities, Pacific Northwest Regional Office, at 206-442-5962. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

RUSSELL E. DICKENSON,
Regional Director,
Pacific Northwest Region.

[FR Doc.76-5011 Filed 2-19-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Oklahoma Grain Inspection Point

Statement of considerations. The Guymon Grain Inspection, Inc., Guymon, Oklahoma, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Guymon, Oklahoma, transferred to W. D. Prince and Jim Yeager because Foster W. Yeager, part owner, is transferring his interest to his son, Jim Yeager.

W. D. Prince, Farwell, Texas, and Jim Yeager, Guymon, Oklahoma, have applied for designation (in accordance with section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act) to operate as an official inspection agency at Guymon, Oklahoma. This application does not preclude other interested persons from making similar application.

Other interested persons are hereby given opportunity to make application for designation to operate as an official inspection agency at Guymon, Oklahoma, pursuant to the requirements set forth in section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Guyton, Oklahoma.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than March 22, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on February 17, 1976.

DONALD E. WILKINSON,
Administrator
Agricultural Marketing Service.

[FR Doc.76-4923; Filed 2-19-76; 8:45 a.m.]

Animal and Plant Health Inspection Service [PPQ 639]

SOIL SAMPLES

List of Approved Laboratories for Receipt of Certain Soil Samples

Correction

In FR Doc. 76-2933, appearing in the issue for Friday, January 30, 1976, make the following changes:

1. On page 4616, second column under "C", the 11th entry should read "California, University of, Department of Civil Engineering, Davis, CA" (6-30-77).
2. On page 4617, first column under "D", 3rd entry should read "Dames & Moore, Cincinnati, OH" (6-30-76).
3. On page 4617, first column under "E", the 7th and 8th entries should read as follows:

El Paso Chemical Laboratories, El Paso, TX (6-30-78).
Emcon Associates, San Jose, CA.

4. On page 4619, second column under "P", the 17th entry should read "Pfizer, Charles, & Co., Inc., Groton, CT."

Farmers Home Administration

[Notice of Designation Number A296]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Morrison County, Minnesota, as a result of a drought which

occurred from July 15, 1975, through September 15, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 5, 1976, for physical losses and November 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 10th day of February 1976.

FRANK B. ELLIOTT,
Administrator
Farmers Home Administration.

[FR Doc.76-4918 Filed 2-19-76; 8:45 am]

[Notice of Designation Number A297]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of the natural disasters shown below:

Delta—Excessive rainfall September 15, 1974, to June 9, 1975, and a drought from July 1, 1975, to October 24, 1975.

Hays—Excessive rainfall April 10, 1975, through July 30, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 5, 1976, for physical losses and November 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 10th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-4919 Filed 2-19-76; 8:45 am]

Forest Service

CURTIS CREEK UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Curtis Creek Unit Plan, USDA-FS-R8 DES (Adm) 76-10.

The environmental statement concerns a proposed ten-year management plan for the Curtis Creek Unit (14), Grandfather Ranger District, Pisgah National Forest, containing 20,690 acres of National Forest land in McDowell County, North Carolina.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.

USDA, National Forests in North Carolina, 50 South French Broad Avenue, Post Office Box 2750, Asheville, N.C. 28802.

A limited number of copies are available upon request to Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, NC 28802.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, NC 28802. Comments must be received by April 12, 1976 in order to be considered in the preparation of the final environmental statement.

ROBERT W. CERMAK,
Forest Supervisor.

FEBRUARY 12, 1976.

[FR Doc.76-4833 Filed 2-19-76; 8:45 am]

DESIGNATING TYPES OF TRAVEL PERMITTED, RESTRICTED, OR PROHIBITED ON TRAILS AND AREAS OF THE OLYMPIC NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for designating types of travel permitted, restricted or prohibited on trails and areas of the Olympic National Forest, USDA-FS-R6-DES (ADM) 76-4.

The environmental statement concerns a proposed action limiting use of motorized vehicles and livestock to specific trails and time periods.

This draft environmental statement was transmitted to CEQ on

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250
USDA, Forest Service, Multnomah Bldg., 319 S.W. Pine Street, Portland, OR 97208
USDA, Forest Service, Federal Bldg., Capitol Way & Valencia, Olympia, WA 98507

A limited number of single copies are available upon request to Forest Supervisor, Wynne Maule, Olympic National Forest, P.O. Box 2288, Olympia, WA 98507.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to the Forest Supervisor, Olympic National Forest, P.O. Box 2288, Olympia, WA 98507. Comments must be received by April 15, 1976, in order to be considered in the preparation of the final environmental statement.

WYNNE M. MAULE,
Forest Supervisor.

[FR Doc. 76-4873 Filed 2-19-76; 8:45 am]

TAOS-PENASCO-QUESTA DIVISION GRAZING ADVISORY BOARD

Meeting

The Annual Meeting of the Taos-Penasco-Questa Division Grazing Advisory Board will be held at 10:00 a.m., March 20, 1976, in the conference room of the Forest Supervisor's Office on Cruz Alta Road, Taos, New Mexico.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the committee before or after the meeting.

JOHN S. CRELLIN,
Acting Forest Supervisor.

FEBRUARY 12, 1976.

[FR Doc. 76-4872 Filed 2-19-76; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Correction

In FR Doc. 75-33682 appearing at page 57817 in the issue of Friday, December 12, 1975, on page 57818, third column, first complete paragraph in the eighth line the date should read "January 3, 1977".

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, March 23, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of work program, including classification methods for foreign availability and technology classification.

EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652,

dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With the respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 59462 appearing in the issue of December 24, 1975).

Dated: February 17, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 76-4867 Filed 2-19-76; 8:45 am]

DEFINITIONS SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MA- CHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, March 25, 1976, at 8:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Definitions Subcommittee was formed to provide universally acceptable numerically controlled nomenclature for machine tool systems.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the Public.
- (3) Review of the work of the New Technology Subcommittee.
- (4) Definition of work scope of the Definitions Subcommittee.

EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may

be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 57817, appearing in the issue of December 12, 1975).

Dated: February 17, 1976.

RAUER H. MEYER,
Director, Office of Export Ad-
ministration, Bureau of East-
West Trade, U.S. Department
of Commerce.

[FR Doc.76-4868 Filed 2-19-76;8:45 am]

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on May 6, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 19 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: February 17, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for
Resources and Trade Assistance.

[FR Doc.76-4880 Filed 2-19-76;8:45 am]

Domestic and International Business Ad- ministration Bureau of East-West Trade

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Wednesday, March 24, 1976, at 10:00 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecom-

munications equipment, including technical data related thereto, and including those whose export is subject to multi-lateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Further reports on the Electronic Industries Association (EIA) sponsored trip to the People's Republic of China.
- (4) Discussion and approval of the Findings of the Committee for the Third Annual Report due April, 1976.

EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September

ber 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register (40 FR 17865 appearing in the issue of April 23, 1975).

Dated: February 18, 1976.

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 76-5000 Filed 2-19-76; 8:45 am]

National Bureau of Standards NOTICE OF PROPOSED INTERPRETATION FOR FEDERAL STANDARD COBOL (FIPS PUB 21 AND 21-1)

Correction

In FR Doc. 76-1184 appearing at page 2270 in the FEDERAL REGISTER of January 15, 1976, the following changes should be made:

1. The third paragraph of the preamble to the proposed interpretation is corrected in the sixth line of that paragraph by adding the phrase "a provision for" immediately following the word "and" and immediately before the words "the effective date of".

2. The last paragraph of the proposed interpretation is corrected to read:

Effective date of interpretation. This interpretation will become effective on

Dated: February 13, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc. 76-4847 Filed 2-19-76; 8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DOMES PROGRAM Meeting Notice

A meeting will be held between the National Oceanic and Atmospheric Administration (NOAA) staff associated with the Deep Ocean Mining Environmental Study (DOMES) Program and technical representatives of firms contemplating deep ocean mining for manganese nodules to discuss mining systems operating parameters. These parameters will be considered by NOAA in the design of DOMES research and in the design of subsequent NOAA efforts. The meeting will be held from 9:00 a.m. until approximately 4:30 p.m. on February 24, 1976 in the Conference Room of Building 264 (Tower Building) of the Sand Point Naval Station, Seattle, Washington. The meeting will be open for public observation in the interest of informing the public on matters which could affect the conduct of a Federal environmental research program; however, because of space limitations, all

persons wishing to attend the meeting should make prior arrangements with Dr. Robert Burns, Director of the NOAA Pacific Marine Environmental Laboratory, telephone (206) 442-0199.

The objectives of the DOMES Program are: (1) To establish environmental baselines at three representative mining sites in the North Pacific Ocean; (2) to permit the development of preliminary environmental guidelines for deep ocean mining; and (3) to develop first order prediction capability for determining potential environmental effects of deep ocean mining. Contemplated subsequent NOAA efforts include the monitoring of industry tests of prototype deep ocean mining devices. Mining System operating parameters will be discussed at the meeting, among these, it is expected that industry will provide estimates of the following parameters:

- a) Sediment Discharge Volumes.
- b) Manganese Nodule Fines Discharge Volumes.
- c) Bottom Water Discharge Volumes.
- d) Nodule Collector Efficiency.
- e) Bottom Sediment Penetration.
- f) Areal Collection Efficiency.

Prior to NOAA acceptance of such parameters and their incorporation into DOMES plans, the parameters will be published and considered by the DOMES Advisory Panel, which is a subcommittee of the Department of Commerce's Marine Petroleum and Minerals Advisory Committee.

Public comments regarding parameters of importance in the assessment of potential environmental effects of deep ocean mining are welcome. Such statements should be mailed to Dr. Burns within 20 days after the meeting at the following address: NOAA-PMEL, 3711 15th Avenue NE., Seattle, Washington 98105.

Dated: February 18, 1976.

T. P. GLEITER,
Assistant Administrator for Administration
National Oceanic and Atmospheric Administration.

[FR Doc. 76-5036 Filed 2-19-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0219; Desi Nos. 8046, 1205]

CYCLOPENTAMINE HYDROCHLORIDE NASAL SOLUTIONS

Withdrawal of Approval of New Drug Applications

A notice (DESI Nos. 8046, 1205; Docket No. 75N-0219) was published in the FEDERAL REGISTER of October 15, 1975 (40 FR 48385); in which the Director of the Bureau of Drugs offered the opportunity for hearing on a proposal to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications. The prod-

ucts have been used for relief of nasal congestion. The proposed action was not contested and approval of the new drug applications is now being withdrawn.

1. NDA 6-666; Clopane Hydrochloride (Nasal) Solution containing 0.5 percent cyclopentamine hydrochloride; and

2. NDA 8-046; Clopane Hydrochloride (Nasal) Solution containing 1 percent cyclopentamine hydrochloride; both marketed by Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice pursuant to § 310.6 (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore pursuant to the foregoing finding, approval of the new drug applications (NDA's 6-666 and 8-046) and all amendments and supplements applying thereto is withdrawn effective March 1, 1976.

Shipment in interstate commerce of the above products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: February 10, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 76-4845 Filed 2-19-76; 8:45 am]

[Docket No. 76F-0025]

E. I. DUPONT DE NEMOURS & CO.
Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 5B3105) has been filed by E. I. duPont de Nemours & Co., Wilmington, DE 19898 proposing that § 121.2514

Resinous and polymeric coatings (21 CFR 121.2514) be amended to provide for the safe use of a styrene-acrylonitrile-itaconic acid copolymer as a component of coatings for beer and beverage containers.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 10, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc. 76-4846 Filed 2-19-76; 8:45 am]

National Institutes of Health
ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE
Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart and Lung Institute, March 22-23, 1976, Holiday Inn of Chevy Chase, 5520 Wisconsin Avenue, Adams Room, Chevy Chase, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on Monday, March 22 and from 9:00 a.m. to 3:00 p.m. on Tuesday, March 23, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Room 5A03, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLI, Room C803, Landow Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-1613, will furnish substantive program information.

Dated: February 9, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 76-4913 Filed 2-19-76; 8:45 am]

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES
Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Arthritis and

Related Musculoskeletal Diseases, March 30-31, 1976 (times below), at the Clift Hotel, Geary and Taylor Streets, San Francisco, California.

The entire meeting, which will be open to the public from 8:30 a.m. to 5:30 p.m. on March 30-31 at the above address, will be devoted to business discussions and the review of the final Plan.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: February 17, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 76-4912 Filed 2-19-76; 8:45 am]

Office of Education
ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION
Meeting

Notice is hereby given, pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), that the first meeting of the Advisory Council on Environmental Education will be held on March 8 from 9:00 a.m. to 5:00 p.m. and on March 9 from 9:00 a.m. to 3:00 p.m. at the University of Colorado, Division of Continuing Education, Bureau of Educational Media, Stadium Building, Boulder, Colorado.

The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education Act, P.L. 91-516, Section 3 (84 Stat. 1312), as amended by P.L. 93-278 (88 Stat. 121).

The Council shall:

(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) make recommendations to the Office with respect to the allocation of funds appropriated pursuant to Section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

1. Swearing-in and orientation of members.

2. Overview and summary of the implementation of the Environmental Education Act as of 1976.

3. Presentation of two promising prototype products for Environmental Education: One for formal education use, one for nonformal/adult education use.

4. General council business for 1976. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C.

Signed at Washington, D.C. on February 17, 1976.

WALTER J. BOGAN, Jr.,

Director,

Office of Environmental Education.

[FR Doc.76-4917 Filed 2-19-76;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, March 15, 1976, at 9:15 a.m. and Tuesday, March 16, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245-7510.

LIONEL M. BERNSTEIN,

Executive Secretary,

Review Panel on New Drug Regulation.

FEBRUARY 6, 1976.

[FR Doc.76-4840 Filed 2-19-76;8:45 am]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Cumulative List

Regulations issued under title XIII of the Public Health Service Act, "Health Maintenance Organizations" (42 CFR § 110.605(b)), require annual publication of a cumulative list of all qualified health maintenance organizations. Notice is hereby given that, in 1975, the following entities have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

List of Qualified Health Maintenance Organizations

(Transitionally qualified health maintenance organizations: 42 CFR § 110.603(b))

Name, address, and service area Date of Qualification

1. Rhode Island Group Health Association, Inc., 210 High Service Ave., North Providence, R. I. 02904. Service area: State of Rhode Island. Oct. 30, 1975.

2. Community Health Care Center Plan, Inc., 150 Sargent Dr., New Haven, Conn. 06511. Service area: Greater New Haven area; and includes the following cities and towns: Ansonia, Beacon Falls*, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour*, Shelton, Wallingford, West Haven, and Woodbridge. Oct. 31, 1975.

* These towns were inadvertently omitted from the list published in the FEDERAL REGISTER on Nov. 25, 1975.

3. Piedmont Health Care Corp., P.O. Box 6967, Greenville, S.C. 29606. Service area: Greenville, S.C., and any portion of adjacent counties, located in South Carolina, which lies within a radius of 30 mi. of the Carolina Medical Center, 2320 East North Street, Greenville, S.C. Dec. 29, 1975.

4. Rocky Mountain Health Maintenance Organization, Inc., 2525 7th Street, Grand Junction, Colo. 81501. Service area: Mesa County, Colo. Dec. 29, 1975.

(Operational qualified health maintenance organizations: 42 CFR § 110.603(a))

5. North Communities Health Plan, Inc., 1718 Sherman Ave., Evanston, Ill. 60201. Service area: The following communities located in the State of Illinois: E. Rogers Park, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Morton Grove, Niles, North Brook, North Field, Park Ridge, Skokie, W. Rogers Park, Wilmette, and Winnetka. Nov. 11, 1975.

6. Penn Group Health Plan, Inc., IBM Building, Pittsburgh, Pa. 15222. Service area: Allegheny and western Westmoreland Counties. Nov. 28, 1975.

Files containing detailed information regarding the qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of the Administrator, Health Services Administration, Department of Health, Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: February 11, 1976.

ROBERT VAN HOEK,
Acting Administrator.

[FR Doc.76-4839 Filed 2-19-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-492]

INDIAN MOUNTAIN SUBDIVISION

Hearing

In the matter of Indian Mountain Subdivision, OILSR No. 0-1389-05-98 Doc. No. Y-20039-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Meridian Properties Inc., James P. Campbell, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), was served a Notice by means of publication in the FEDERAL REGISTER on November 21, 1975 on page 54367, pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Indian Mountain Subdivision, located in Park County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received December 8, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C. on March 15, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before March 1, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be

true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 14, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc. 76-4859 Filed 2-19-76; 8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION COMMISSION PROCEEDINGS AND TASK FORCE REPORTS

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #8's investigation of urban and rural non-reservation Indians. The hearings will be held March 2, 1976 at the Vol-Tec Building, 4024 N. Lincoln, Oklahoma City, OK and on March 5, 1976 at the Legislative Chambers of the Douglas Civic Center, 1819 Farnum, Omaha, NB.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. The hearings will focus on issues related to the studies of this task force.

Persons interested in submitting testimony for the March 2 hearing should contact Millie Giago, Native American Center, 1214 N. Hudson, Oklahoma City, OK 73106, phone (405) 232-2512.

Those wishing to testify at the March 5 hearing should contact Eugene Crawford at the Omaha Indian Center Indian Association, 4435 8th Avenue, Omaha, NB 68111, phone (402) 344-0111.

Dated: February 16, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc. 76-4823 Filed 2-19-76; 8:45 am]

COMMISSION PROCEEDINGS AND TASK FORCE REPORTS

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution estab-

lishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in Olympia, WA on March 5, 1976, and in Salem, OR on March 6, 1976.

The hearings will be held in conjunction with Commission Task Force #10's investigation of the Status of Terminated and Non-Federally Recognized Tribes.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. The hearings will focus on issues related to the studies of this task force.

Those wishing to testify should contact George Tomer before February 27, at the American Indian Policy Review Commission, HOB-Annex #2, Washington, D.C., 20515. Phone: 202/225-1284.

Dated: February 16, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc. 76-4824 Filed 2-19-76; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Change in Meeting Date

Notice is hereby given of a change in meeting dates of the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments.

The Subcommittee on Commodity Options will meet on February 23 and 24, 1976, rather than meeting only on February 24; the Futures Forward and Leverage Contracts Subcommittee will meet on February 25, 1976, rather than meeting on February 23; the meeting of the Cash Market Subcommittee is cancelled, rather than meeting on February 25, as was previously stated in the FEDERAL REGISTER of February 6, 1976 (41 F.R. 5429). As stated, these meetings will be held at the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, SW., Washington, D.C. in the Charles Suite, beginning at 9:30 a.m. each day.

Dated: February 18, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity
Futures Trading Commission.

[FR Doc. 76-4975 Filed 2-19-76; 8:45 am]

CIVIL SERVICE COMMISSION DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by non-career executive assignment in the excepted service the position of Director of Communications, Office of Communications, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4586 Filed 2-19-76;8:45 am]

DEPARTMENT OF COMMERCE Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Administrator, Social and Economic Statistics Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4587 Filed 2-19-76;8:45 am]

DEPARTMENT OF COMMERCE Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by non-career executive assignment in the excepted service the position of Superintendent, National Academy for Fire Prevention, National Fire Prevention and Control Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4588 Filed 2-19-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Assistant

to the General Manager, New Communities Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4589 Filed 2-19-76;8:45 am]

DEPARTMENT OF TRANSPORTATION Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Administrator, Urban Mass Transportation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4591 Filed 2-19-76;8:45 am]

DEPARTMENT OF TRANSPORTATION Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Under Secretary, Office of the Deputy Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-4590 Filed 2-19-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS IMPORT LIMITS

Man-Made Fiber Textile Products From Mexico

FEBRUARY 17, 1976.

On June 5, 1975, there was published in the FEDERAL REGISTER (40 F.R. 24230), a letter dated June 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, between the Governments of the United States and Mexico, which establish export limitations on certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on May 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 6 of the agreement which provides that within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages.

Accordingly, at the request of the Government of Mexico and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of February 17, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to man-made fiber textile products in Categories 219, 225, 235, and 238 for the twelve-month period which began on May 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229

February 17, 1976.

DEAR MR. COMMISSIONER: On June 2, 1975 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning May 1, 1975 and extending through April 30, 1976 of cotton, and man-made fiber textile products in certain specified categories, produced or manufactured in Mexico in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 6 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on February 18, 1976, the levels of restraint established for Categories 219, 225, 235, and 238 to the following amounts:

Category:	Amended 12-mo. level of restraint ² (dozen)
219 -----	651,092
225 -----	1,905,952
235 -----	339,942
238 -----	993,297

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 12, 1975 between the Governments of the United States and Mexico which provide, in part that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

²The levels of restraint have not been adjusted to reflect any entries made after April 30, 1975.

The actions taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc. 76-4976 Filed 2-19-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL STATEMENTS

Environmental impact statements received by the Council on Environmental Quality from February 9 through February 13, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (April 5, 1976.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Passage Canal Timber Sale, Chugach National Forest, Alaska, February 9: Proposed is a salvage timber sale in Passage Canal, Prince William Sound, approximately 7 miles east of Whittier, Alaska. The sale consists of 6 clearcut units totalling 160 acres. The gross sale area is 483 acres; total volume is 3,273 MBF. Adverse effects include minor siltation which will take place in Logging Camp Creek during the removal of the blowdown trees from the creek by Y.C.C. and/or the logging contractor. (ELR Order No. 60192.)

Herbicide Use, Alaska National Forests (Supplement), Alaska, February 10: This statement is the supplement to a final EIS filed with CEQ May 21, 1975. The proposed action involves vegetation control with the use of herbicides on road, railroad, and powerline rights-of-way. The herbicides proposed for use include 2,4-D, picloram, amitrole, sodium metaborate, sodium chlorate, and bromacil. Herbicide use considered in this statement is on Tongass and Chugach National Forests only. Susceptible target and non-target vegetation in the treatment areas will be reduced in vigor and, in most cases,

top killed. No wildlife population will be adversely affected. (ELR Order No. 60199.)

White River National Forest Timber Plan, several counties in Colorado, February 12: Proposed is the revision of the 1962 Timber Management Plan for the White River National Forest in order to regulate the acres of silvicultural treatment on National Forest lands. The plan includes an expected yield of from 16.9 to 78.3 million board feet. Adverse effects include loss of wilderness values, and temporary air and water pollution. (ELR Order No. 60211.)

Draft

Laurel River Unit, Daniel Boone National Forest, Laurel County, Ky., February 11: Proposed is a 10-year management plan for the 25,440 acre Laurel River Unit, Daniel Boone National Forest. The plan proposes that the unit be managed for a full range of multiple use benefits including timber, water, recreation, and wildlife with emphasis on recreation development and protection of scenic qualities in zones around the lake, and along primary recreation access roads. Scenic values will be temporarily adversely affected by construction activities, mineral extraction, timber harvesting, and littering. (ELR Order No. 60203.)

Ottawa National Forest Timber Management Plan, Gogebic County, Mich., February 12: This statement describes the economic, social, and ecological effects of managing the timber resources on the Ottawa National Forest for the period July 1, 1976 through June 30, 1983. These effects would result from harvesting an estimated 185 million cubic feet of sawtimber and roundwood, the planting of approximately 16,300 acres and natural regeneration on 125,000 acres, conducting timber stand improvement on about 102,000 acres, carrying out a tree improvement program and constructing and improving roads needed for harvesting operations. (ELR Order No. 60210.)

Porter Creek Unit Plan, Homochitto National Forest, Franklin and Amite Counties, Miss., February 9: The proposed action is the implementation of a management plan for the 29,505 acre Porter Creek Unit, Homochitto National Forest. Major actions proposed for the 10-year period include timber harvesting and site preparation, increasing the diversity of the wildlife habitat, improving the potential for developing a lake and recreational facilities on Porter Creek, administration of oil and gas activities, and road reconstruction. Adverse effects include temporary soil movement and associated increases in stream turbidity. Land will be removed from timber production for mineral development activities. (ELR Order No. 60195.)

Deerfield R. Area Plan, Green Mt. National Forest, Windham County, Vt., February 12: Proposed is the implementation of a land use plan for the Deerfield River Area of the Green Mountain National Forest, Vermont. The proposed plan will provide specific direction for management, allocation, use, and development of approximately 2,860 acres of National Forest land, of which more than 500 acres have been developed for winter sports activities under the provisions of three special use permits. Adverse effects include some stream siltation, some soil disturbance, and the removal of 48 acres of timber land from production. (ELR Order No. 60208.)

Quinault Unit Plan, Olympic National Forest, Grays Harbor and Jefferson Counties, Wash., February 12: Proposed is the implementation of a comprehensive land use plan for the 151,960 acre Quinault Planning Unit, Olympic National Forest. Included in the plan is the allocation of three additional new sites to developed recreation. Management of the timber resource is provided for on the

productive commercial forest land of the Unit when not otherwise allocated. (ELR Order No. 60206.)

Travel Regs. on Trails & Areas, Olympic National Forest, Clallam, Jefferson and Mason Counties, Wash., February 13: The proposed project is intended to prohibit motor vehicle use on approximately 70 miles of trail and restrict use on 16.9 miles, to prohibit livestock use on 38.2 miles of trail and restrict use on 2.7 miles, and to confine use of motor vehicles and livestock to trails or roads and prohibit their use for cross country travel, all on the Olympic National Forest. This action is expected to stop environmental degradation on the more fragile areas and reduce damage in areas where recovery is more rapid. No adverse effects are anticipated. (ELR Order No. 60217.)

Final

Shoshone National Forest Timber Management Plan, several counties in Wyoming, February 9: The statement concerns the revision of the 1963 Timber Plan for the Shoshone National Forest. It recommends forest management on 2,440 acres of land, annually. Less than one percent of the Forest will be treated in the ten years. Timber management will change the appearance of the landscape, and road construction would result. Comments made by: EPA, DOI, USDA, state and local agencies, and private groups and individuals. (ELR Order No. 60196.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Lignite Unit No. 1 and Associated Mine and Lines, Atascosa County, Tex., February 11: This action involves the request for guaranteed loan funds from the REA to finance a new 447 MW (gross) generating plant to be located 15 miles south of Jourdan, Texas. The project also includes approximately 254 miles of 345 kV transmission lines, 195 miles of 138 kV transmission lines and 25 miles of 69 kV transmission lines. Adverse effects include the release to the atmosphere of some oxides of sulphur and nitrogen along with particulate matter. The environment will also be affected adversely by the lignite mining operations which will involve about 300 acres per year during the life of the project. (ELR Order No. 60205.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Yakima CBD Improvements, Yakima County, Wash., February 13: The statement concerns improvements of the Central Business District in Yakima, Washington. Improvements include additional parking facilities, street and vehicular modifications, and pedestrian amenities including lighting and landscaping. The purpose of the project is to strengthen the competitive situation and stimulate retail trade in the CBD. Adverse effects include a decrease in air quality in some areas, increased noise, increased consumption of fossil fuels, and the loss of some buildings to make way for additional parking. (ELR Order No. 60213.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Importation of S. African Sealskins, Moratorium Waiver, February 12: This statement proposes the waiver of the moratorium on the importation of raw sealskins from the 1975 South African harvest, excluding the territory known as Namibia, for processing and sale

in the United States. Continuation of the waiver to allow importation from subsequent harvests will be subject to annual review and to certain conditions being met by South Africa. No adverse ecological effects are anticipated, provided the Republic of South Africa continues its current management policies. Comments made by: EPA, STAT, DOI, and DLAB. (ELR Order No. 60209.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development; Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Saw Mill River Flood Control (Supplement), February 13: The supplement concerns the modified plan for flood control on the Saw Mill River at Yonkers, New York. The modified plan consists of a U-shaped concrete channel in lieu of the vertical sheet pile plan previously recommended. The project will result in the loss of fish and wildlife habitat and the aesthetic effect of the modified appearance of the streams and the land due to the presence of structural works (New York District). (ELR Order No. 60216.)

Steele Bayou Basin Flood Protection, Washington and Bolivar Counties, Miss., February 13: The proposed plan for the Steele Bayou Basin provides for the alleviation of flooding and drainage problems in the Greenville urban area and the improvement of drainage outlets for agricultural lands in the upper drainage basin. The project consists of channel enlargement, weirs, levees, and water control structures. Adverse effects include the commitment of about 700 acres of forest and 1,200 acres of cleared land to various project features. Channel enlargement, induced land clearing, and intensified agriculture will increase levels of silts and pesticides, adversely affecting lakes and streams (Vicksburg District). (ELR Order No. 60219.)

Final

Aunu'u Boat Harbor, American Samoa, February 12: Proposed is the construction of a boat harbor and offshore docking facilities for the island of Aunu'u, American Samoa. The proposed Federal plan of improvement is a harbor to be located on the reef area north of Salevatu Point and fronting Aunu'u Village. It provides for a turning and docking area, a mooring area, an access channel, a stub breakwater, two revetted moles, and installation of navigational aids. Adverse effects include destruction of marine organisms and habitat, and the alteration of water quality (Honolulu District). (ELR Order No. 60212.)

Apalachicola Bay, Florida, February 9: The proposed project is the maintenance dredging of the St. George Island Channel, East Point, and Two Miles Channels. Dredge spoil from the East Point and Two Miles channels will be deposited in open-water sites, while spoil from the St. George Island Channel will be used for beach nourishment. Disruption of aquatic habitat, siltation and increased turbidity will occur. Comments made by: EPA, DOT, HUD, USDA, DOI, DOC, state agencies, and one individual. (ELR Order No. 60191.)

Big Sioux River, Flood and Erosion Project, Iowa and South Dakota, February 11: The project consists of 3.7 miles of channel enlargement, levees, and bank stabilization on the Big Sioux River in the vicinity of Sioux City, Iowa. Adverse impacts are the alteration of 30 acres of riverine habitat, and

the disruption of fish populations (Omaha Districts). Comments made by: DOI, EPA, DOT, HUD, DOC, state and local agencies, and interested individuals. (ELR Order No. 60204.)

Cleveland Harbor Diked Disposal Site No. 14, Ohio, February 13: Proposed is the construction and operation of a 88-acre diked facility to receive polluted sediments to be dredged from Cleveland Harbor. The site will provide a 10-year capacity for containing sediments. Approximately 80 acres of Lake Erie's water/bottom surface will be permanently removed from the inventory of aquatic habitat. Temporary adverse impacts upon aquatic life, water quality, aesthetics, and boat traffic are expected during construction of the facility (Cleveland District). Comments made by: DOC, HUD, DOI, EPA, state agencies, and conservation groups. (ELR Order No. 60221.)

Rocky River Harbor, O & M, Cuyahoga County, Ohio, February 13: Proposed is the dredging of approximately 30,000 cubic yards of sediment from the authorized navigation channels at Rocky River Harbor once every three years, and maintenance of the existing east pier. Dredged materials unsuitable for open-lake disposal will be placed in diked disposal facilities. Adverse impacts of the project include disturbance of benthic communities within the open-lake disposal areas, resuspension of potentially harmful substances, and increased turbidity levels during maintenance procedures (Buffalo District). Comments made by: AHP, USDA, DOC, DOI, EPA, state and regional agencies. (ELR Order No. 60222.)

Allegheny River, Mile 0 to Mile 72.0, several counties in Pennsylvania, February 9: The statement concerns continued operation and maintenance of the Allegheny River for navigation purposes. Maintenance dredging operations will result in increased turbidity and the resuspension of sediments. Dredge spoil disposal will involve destruction of existing vegetative and wildlife habitats on and around new and old spoil disposal areas (Pittsburgh District). Comments made by: DOT, USDA, EPA, DOI, DOC, AHP, ORBC, state and local agencies, and private groups. (ELR Order No. 60190.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

Miami Courthouse Annex, Dade County, Fla., February 9: Proposed is the construction by the General Services Administration of an Annex to the existing U.S. Post Office and Courthouse in Miami, Florida. The Annex will provide a total occupiable area of about 109,000 square feet with basement parking for 84 vehicles; the gross area will be 175,000 square feet. Adverse effects of project implementation include relocation of eight businesses and some hotel residents. Acquisition of about 21,000 square feet of land will be required. (ELR Order No. 60187.)

Motor Pool and Vehicle Maintenance Facility, Miami, Dade County, Fla., February 11: Proposed is the construction by the General Services Administration in Miami, Florida of a new motor pool and vehicle maintenance facility. The project is necessary because the land where it is now located, which is adjacent to the U.S. Post Office and Courthouse in downtown Miami, is required as the site for a new U.S. Courthouse Annex. Thus, GSA must relocate the facility to a permanent structure on a site to be acquired. No adverse effects are expected to result from the project. (ELR Order No. 60202.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Woodwest Planned Unit Development, Larimer County, Colo., February 9: The developers of Woodwest, A Planned Unit Development, are proposing to build 751 single family detached housing units in Fort Collins, Colorado and have requested Federal Housing Administration feasibility analysis for mortgage insurance. Adverse effects include disruption of the existing plant and animal communities. Increased need for public safety, educational, recreational and social services will result. (ELR Order No. 60186.)

Final

Lakes of Acadia Development, Dade County, Fla., February 9: The statement concerns an FHA loan guarantee for the construction of Lakes of Acadia, a 160 acre development. The project will include 578 townhouse units and 362 duplexes, recreational facilities, a school site and commercial area. The project will eliminate the country atmosphere of the area and will increase the continuing urban sprawl to the west and northwest. The demand for potable water, sewage and solid waste disposal will increase. Comments made by: DOC, GSA, DOT, state and local agencies. (ELR Order No. 60185.)

Westbury Subdivision, Hoffman Estates, Cook County, Ill., February 9: The statement concerns FHA Mortgage Insurance for 306 single family units. The project is the first stage of a development that is planned for 4472 units on 496.9 acres. The project is in the northern limits of Hoffman Estates. Adverse impacts include increased traffic in the area and depletion of ground water resources. Comments made by: AHP, COE, USDA, DOD, EPA, GSA, DOT, state and local agencies. (ELR Order No. 60184.)

Los Angeles Dam and Reservoir Project, Los Angeles County, Calif., January 30: The project consists of the construction of a dam and reservoir to restore the pre-earthquake dam capacity, including flood protection, of the Van Norman dams and reservoirs. Adverse effects include: vegetation removal, dust blanketing of vegetation, general disturbance and some destruction of wildlife, disturbance of "man-made" freshwater marsh, influx of noxious rodents, rodent migration into residential neighborhoods, and the possibility of fire. (ELR Order No. 60752.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104(H)

Draft

San Jose Community Development (Supplement), Santa Clara County, Calif., February 10: The statement is a supplement to a final EIS filed with CEQ 9 June 1975. Part I presents changes in budget allocations, Part II is an environmental impact analysis of the proposed Alviso storm drain project, and Part III contains the environmental documents granted to Block Grant projects needed to complete the environmental review record. (ELR Order No. 60198.)

Brawley County Water and Sewer Project, Brawley County, Calif., February 13: The proposed project consists of water and sewer facilities for the Brawley County Water District, California. Water facilities include water mains connecting existing City of Brawley water mains in or near Eastern

Avenue, services to individual properties, and water main appurtenances. Sewer facilities consist of services to individual properties, sewer mains, manholes, cleanouts, and sewer main appurtenances. (ELR Order No. 60218.)

Final
East Winston Community Development, Project I, Forsyth County, N.C., February 12: The project area dealt with in this statement was certified as "blighted" under North Carolina Redevelopment Law by the City-County Planning Board in October, 1969. The city plans to undertake a wide range of activities that include planning, land disposition, and site improvements. The proposed redevelopment project is intended to remove the physical conditions which cause blight, to provide relocation assistance to all residents and businesses who are displaced by the proposed action, and to carry out improvements in the project area that will contribute to creating a suitable residential environment. (ELR Order No. 60207.)

Final

East Omaha Relocation and Land Development, Nebraska, February 12: Proposed is the relocation of East Omaha residents so that the site may be developed into a more compatible land use, i.e., commercial and industrial. Phase I of the project will involve the acquisition of 77.76 acres of principally residential property, relocation of all residents and demolition of the vacated structures. Phase II consists of converting the vacant City owned property into marketable commercial and industrial sites. The relocation of present residents is the primary adverse impact. Comments made by: DOI, EPA, HEW, state and local agencies. (ELR Order No. 60188.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Big Lake Wilderness Area, Mississippi County, Ark., February 9: The proposal recommends that 1,818 acres of the Big Lake National Wildlife Refuge, located in Mississippi County, Arkansas be included in the National Wilderness Preservation System. Management to increase food production for wildlife, particularly white-tailed deer, turkey, squirrels and waterfowl would not be possible within the proposal where physical alteration of the habitat by mechanical means would be necessary. Comments made by: USDA, DOT, COE, DOI, and state agencies. (ELR Order No. 60194.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chais, Supervisory Attorney Advisor for the Environmental Staff, Room 2370, 12th St. and Constitution Ave. NW., 202-343-2086.

Draft

Mascony Transport and Ferry Service, Inc., Connecticut and New York, February 13: Mascony Transport and Ferry Service, Inc., seeks authority to operate as a common carrier by water, in self-propelled vessels, transporting passengers and automobiles with passengers, tractors, trailers and trucks, loaded and empty, between the ports of New London, Connecticut, and Greenport, Long Island, New York. Accomplishment of this action will result in adding a substantial volume of traffic to the streets in downtown Greenport during times when traffic levels already exceed design level capacity. (ELR Order No. 60220.)

Final

Boston Commuter Discontinuance, Docket No. 27222, Massachusetts, February 13: Proposed is the discontinuance of Penn Central's commuter train service between Boston and Framingham (trains No. 441, 442, 490) and between Boston and Worcester (trains No. 431 and 432). The discontinuance of commuter service will result in an increase in vehicular traffic. Traffic congestion in Boston and its western environs will be aggravated to a degree. The proposed action is inconsistent with the transportation control plan for the Boston air quality control region to the extent that it decreases mass transit ridership and increases automobile utilization. (ELR Order No. 60215.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Harry S. Truman Airport, St. Thomas, Virgin Islands, February 9: The proposed projects involve the construction of a new Runway 9-27, 7,000 x 150 feet with parallel taxiway and attendant facilities, 1,200 feet of extended safety areas, installation of lighting and landing aids, a commercial terminal and cargo area on hydraulic fill, new general aviation facilities, construction of access road, and fencing and the removal of obstructions to air navigation. Construction of the project will alter the configuration, esthetics and ecology of Brewer's Bay. The associated dredging and filling operation will impact a total of 620 acres of the marine environment. (ELR Order No. 60189.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Jefferson Barracks Bridge and Approach Roads, Illinois and Missouri, February 10: This statement proposes the replacement of the Jefferson Barracks Bridge over the Mississippi River with dual 4,000 foot structures and reconstruction of approximately 3 miles of approach road on U.S. Bypass Route 50, as a federal and state funded improvement. The proposed project is located in Monroe County, Illinois and St. Louis County, Missouri, approximately 11 miles south of downtown St. Louis. Since none exist, the proposed improvement will have no impact on the character of existing communities or neighborhoods, nor will it require the relocation of any homes, businesses, or industry. (ELR Order No. 60201.)

F.A.S. 28 and 5306 (2), Scotts Bluff County, Nebr., February 13: This revised statement is intended to replace a draft EIS filed with CEQ May 15, 1975. The proposed improvement consists of two projects located on Federal-Aid Secondary Route No. 28 and Federal-Aid Urban Route No. 5306, Nebraska. The combined length of the two projects is approximately 2.6 miles. Proposed construction includes roadway reconstruction, new roadway construction, drainage structures, gravel and high type surfacing and construction of a new bridge over the North Platte River. Adverse effects include relocation of wildlife and fishery. (ELR Order No. 60214.)

Route 240, Erie County, N.Y., February 9: Proposed is the reconstruction of approximately 3.7 miles of Orchard Park Road, Touring Route 240, and 0.7 mile of Harlem Road, Touring Route 240. Adverse effects include disruption and inconvenience during construction phase, and the loss of existing trees adjacent to the highway. Project implementation will result in the displacement of 95 families, 16 businesses, and one fire station. (ELR Order No. 60193.)

Potsdam Relief Route, U.S. 11 and N.Y. 56, St. Lawrence County, N.Y., February 10: Proposed is the construction of a new connection between U.S. 11 and N.Y. 56 in the Village and Town of Potsdam, thereby providing relief from the traffic problems in the Central Business area. The project will result in the moving of some families and commercial concerns along with the relocation of a village park and the altering of a second. (ELR Order No. 60200.)

Final

I 194, Bismarck South Bypass, Burleigh and Morton County, N. Dak., February 10: The proposed project consists of constructing an interchange at the end of the I-194 Spur west of the existing Memorial Bridge; constructing a four-lane divided roadway from the proposed interchange to a junction with U.S. Highway 10; and constructing a new bridge across the Missouri River. Project length is 5.3 miles. Adverse impact will include the taking of 99 acres for right-of-way, the increase of noise levels, the taking of 7.3 acres from two city parks, the relocation of one residence, and the possibility of effects to business activity in downtown Bismarck. Comments made by: EPA, DOI, HEW, COE, DOT, state and local agencies, and private groups. (ELR Order No. 60197.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-4883 Filed 2-19-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities and service to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 8340

Pin, Tent, Wood

8340-00-261-9750
8340-00-261-9751

CLASS 1560

Wire Bundle Assemblies

1560-00-881-4215
1560-00-894-3991
1560-00-884-0409
1560-00-934-0924
1560-00-919-3706

CLASS 1430

Circuit Card Assemblies

1430-00-407-2749
1430-00-409-7997
1430-00-471-5375

CLASS 6920

Circuit Card Assemblies

6920-00-482-8335

STANDARD INDUSTRIAL CLASS 7349

Janitorial/Custodial Service
Federal Building, Olympia, Wa.

Comments and views regarding this proposed addition may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street

North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-4881 Filed 2-19-76; 8:45 am]

PROCUREMENT LIST 1976

Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following service from Procurement List 1976, November 25, 1975 (40 F.R. 54742).

STANDARD INDUSTRIAL CLASS 7641

Furniture Rehabilitation,
Houston, Texas, plus 50-mile radius

Comments and views regarding this proposed deletion may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-4882 Filed 2-19-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 492-7; OPP-180065]

DELAWARE DEPARTMENT OF AGRICULTURE

Crisis Exemption To Use DDT To Eradicate Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the Delaware Department of Agriculture (hereafter referred to as "Delaware") has availed itself of a crisis exemption. Delaware used DDT 50% tracking powder to eradicate a rabid bat colony located in the attic of a home in Elmhurst, New Castle County, Delaware. This exemption is in accordance with, and subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Delaware has submitted in writing the following certified information regarding the crisis exemption.

According to Delaware, the emergency was created on December 23, 1975, when the occupant of the dwelling in Elmhurst discovered a bat in the interior of the

house. The bat was captured and taken to the Delaware Department of Public Health. The bat was examined for rabies and found to be positive. Immediate eradication of the remaining bats was recommended. Since there were no other pesticides currently registered for use in eradicating bats, and time element was so critical that there was not time to request a specific exemption, it was determined to use the DDT product.

On January 8, 1976, a professional exterminating company was hired by the homeowner to eradicate the bat colony in the attic. The DDT 50% tracking powder was applied with a hand duster. A total of 0.60 pounds (0.30 pounds A.I.) was used. Since the material was applied to a closed environment, there were no further steps taken to reduce possible adverse effects to man or the environment; no adverse effects are anticipated.

The official file concerning this subject is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Dated: February 17, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-4981 Filed 2-19-76; 8:45 am]

[FRL 492-5]

DELEGATION OF AUTHORITY TO STATE OF OREGON

Hazardous Air Pollutants

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for five categories and seven categories of new stationary sources (NSPS), respectively. On April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On April 22, 1974, the Regional Administrator, Region X, EPA forwarded to the State of Oregon information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. On August 26, 1975, the Director of the State of Oregon Department of Environmental Quality (DEQ) submitted to the EPA Regional Office a request for delegation of authority. Included in that request were copies of the State of Oregon regulations which incorporate by reference the federal emission standards

and testing procedures set forth in 40 CFR Part 60, with certain exceptions, and specify the State-adopted standards of performance for hazardous air pollutants (40 CFR Part 61). After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs (a) and (b) of the following official letter to the Director of the DEQ, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 12 of that letter:

Mr. LOREN KRAMER,
Director,
State of Oregon,
Department of Environmental Quality,
1234 SW Morrison Street,
Portland, Oregon 97205.

DEAR MR. KRAMER: This is in response to your letter of August 26, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Oregon Department of Environmental Quality (DEQ).

We have reviewed the pertinent laws of the State of Oregon and the rules and regulations of the DEQ and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the State of Oregon DEQ. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Oregon as follows:

A. Authority for all sources located in the State of Oregon subject to the standards of performance for new stationary sources (40 CFR Part 60) as the regulation was promulgated as of June 1, 1975. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the State of Oregon subject to the national emission standards for hazardous air pollutants (40 CFR Part 61) as the regulation was promulgated as of the date of your request, August 26, 1975. The three hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Any NSPS determinations made by DEQ as to whether actions taken by an owner or operator constitute construction or modification or the commencement thereof shall be concurred in by the EPA. Such determinations shall be made in accordance with the definitions specified in 40 CFR 60.2.

2. Upon prior approval of the Regional Administrator of Region X, the Director of the DEQ may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

3. Prior to the supersession of the State regulation for hazardous air pollutants by local ordinances or regulations, as provided for in OAR 25-465(4)(d) and (5)(a), such local ordinances and regulations must be approved by EPA. The approval shall take place through the process of subdelegation established in condition 2 of this letter.

4. New or modified mobile, continuous-mix and/or drum-mixing asphalt concrete plants shall be subject to Part 60 Standards of Performance for New Stationary Sources (OAR 25-000.10 through 25-000.90) rather than OAR 25-105 through 25-125, Hot Mix Asphalt Plants.

5. In accordance with Executive Order 11752, OAR 25-455(22) shall not be construed so as to require Federal facilities to comply with State or local administrative procedures with respect to air pollution control and abatement. This condition in no way relieves any Federal facility from meeting substantive State, local and Federal requirements.

6. Enforcement of the NSPS and NESHAPS in the State of Oregon will be the primary responsibility of the DEQ. If the DEQ determines that such enforcement is not feasible and so notifies EPA, or where the DEQ acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Oregon subject to the NSPS and NESHAPS.

7. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Oregon to request or accept delegation of future standards and requirements or changes to existing standards and requirements. A new request for delegation will be required for any standards not included in the State's request of August 26, 1975.

8. The State will at no time grant a variance for compliance with the NSPS regulation, OAR 25-000.10 through 25-000.90 or the NESHAPS regulation, OAR 25-450 through 25-480 unless such variance does not delay compliance with the Federal standards (40 CFR Parts 60 and 61). Should the State grant a variance which delays compliance with the Federal standards, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the State shall also constitute grounds for revocation of delegation by EPA.

9. The DEQ and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the State of Oregon and regarding the interpretation of applicable regulations.

10. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

11. The DEQ will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

12. If the Regional Administrator determines that a State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the DEQ.

A Notice announcing this delegation will be published in the *Federal Register* in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the State of Oregon should be submitted to the DEQ. Any such reports which have been or

may be received by EPA, Region X, will be promptly transmitted to the DEQ.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

CLIFFORD V. SMITH, Jr.,
Ph.D., P.E. Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Director of the DEQ on November 10, 1975, that authority to implement and enforce the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants was delegated to the State of Oregon.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98101.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources listed in the above letter and the national emission standards for hazardous air pollutants should be submitted to the EPA Region X Office and should also be submitted to the State Agency at the following address:

State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State Agency only.

This Notice issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6 and 7.

Dated: November 20, 1975.

CLIFFORD V. SMITH, Jr.,
Regional Administrator.

[FR Doc.76-4962 Filed 2-19-76; 8:45 am]

[Report No. 966]

PETITIONS FOR RECONSIDERATION Rule Making Proceedings Filed

Docket or RM No.	Rule No.	Filed by—	Date received
19715	Pt. 1, secs. IV-A and IV-B...	Eleanor S. Applewhite and F. Robert Stein, attorneys for CBS, Inc.	Feb. 6, 1976
19715	Pt. 1, secs. IV-A and IV-B...	Sandra J. Brown, executive director for Call for Action Inc.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 d after publication of this public notice in the *FEDERAL REGISTER*. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4870 Filed 2-19-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20690]

AMERICAN TELEPHONE AND TELEGRAPH CO.

FEBRUARY 4, 1976.

In the matter of American Telephone and Telegraph Company, Revisions to Tariff F.C.C. Nos. 258 and 267, Transmittal No. 12478.

In FR Doc. 76-3774, published at 41 FR 5656 the Memorandum Opinion and Order in the above-entitled proceeding (FCC 76-61, Mimeograph No. 39006) adopted on January 27, 1976, and released on February 4, 1976, is corrected to show the FCC Number as "FCC 76-60."

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4832 Filed 2-19-76; 8:45 am]

[Docket No. 20689; File No. BRH-375]

TRIAD BROADCASTING COMPANY, INC.

Apparent Liability; Correction

In re Application of: Triad Broadcasting Company, Inc., (WSEZ-FM) Winston-Salem, North Carolina, For Renewal of License.

In FR Doc. 76-3775, published at 41 FR 5668, in the Notice Of Apparent Liability, FCC 76-42, adopted January 20, 1976, and released January 29, 1976, in re the above application, is corrected to indicate: "Commissioner Washburn absent." after the phrase "By the Commission:".

Adopted: January 20, 1976.

Released: February 4, 1976.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4831 Filed 2-19-76; 8:45 am]

EQUIPMENT TEST STANDARDS TASK GROUP

Meeting

FEBRUARY 17, 1976.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Equipment Test Standards Task Group of the FCC PBX Technical Standards Subcommittee to be held on March 10, 1976 in Washington, D.C. The meeting will be held in Room 847, 1919 M Street NW, commencing at 10 am.

1. *Purpose:* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities:* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered in respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda:* (a) Review final draft documents for the Equipment Test Standards Report.

(b) As this will be the last meeting of the Task Group, members are encouraged to complete all homework assignments prior to the meeting.

4. *Public Participation:* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on (202) 632-6917.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4871 Filed 2-19-76; 8:45 am]

FEDERAL ENERGY
ADMINISTRATIONNOTICE OF CASES FILED WITH THE
OFFICE OF EXCEPTIONS AND
APPEALS

Week of January 23 Through January 30,
1976

Notice is hereby given that during the week of January 23-January 30, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days or service of no-

tice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an

aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

FEBRUARY 12, 1976.

APPENDIX.—List of cases received by the Office of Exceptions and Appeals, Jan. 23-30, 1976

Date	Name and location of applicant	Case No.	Type of submission
Jan. 23, 1976...	Quortrup Petroleum Products, Inc., Carrollton, Tex. (If granted: Quortrup Petroleum Products, Inc., would be permitted to increase its May 15, 1973, margin in computing maximum permissible prices for motor gasoline.)	FEE-2059	Price exception (212.03).
Do.....	Wallace & Wallace Fuel Oil Co., Washington, D.C. (If granted: Wallace & Wallace Fuel Oil Co. would be permitted to supply various Federal installations under contracts which were awarded pursuant to sec. 8(a) of the Small Business Act.)	FEE-2208	Exception to change suppliers.
Jan. 26, 1976...	Western Oil Lands, Inc., Washington, D.C. (If granted: FEA's Jan. 16, 1976, decision and order would be rescinded and crude oil produced from 3 wells in the Eagle Springs Field would be exempt from the ceiling price rule retroactive to January 1974.)	FEA-0730	Appeal of FEA's exception decision and order; Western Oil Lands, Inc., 3 FEA Par. — (Jan. 16, 1976).
Jan. 27, 1976...	Braden-Deem, Inc., Wichita, Kans. (If granted: FEA's Jan. 15, 1975, decision and order would be modified to increase the percentage of crude oil to be sold at prices above the ceiling price.)	FEA-0731	Appeal of FEA's exception decision and order.
Do.....	Gary Operating Co., Englewood, Colo. (If granted: Gary Operating Co. would receive an extension of the price relief granted in FEA's Nov. 25, 1975, decision and order.)	FEE-2209	Extension of the price exception relief; Gary Operating Co., 3 FEA Par. 83,024 (Nov. 25, 1975).
Do.....	Hillenbrand Industries, Inc., Batesville, Ind. (If granted: Hillenbrand Industries, Inc., would receive an increase in its base period use of aviation fuel to permit increased use of its corporate aircraft.)	FEE-2211	Exception to increase base period use.
Do.....	Newton, Russell B., Washington, D.C. (If granted: Russell B. Newton and New Kern, in connection with their proposed acquisition of Kern County Refinery, Inc. (Kern), from Charter Oil Co., would be permitted to assume the May 15, 1973, prices, base costs, and restated base period profit margin of Kern as a separate entity; New Kern would be allocated a portion of Charter's increased product costs; Kern's allocation obligations and entitlements to purchase crude oil and refined products would be transferred to New Kern; and Kern's inventories would be sold to New Kern without passing through Charter's allocable supply.)	FEE-2210	Price exception; crude oil and refined products allocation exception.
Jan. 28, 1976....	Beacon Gasoline Co., Washington, D.C. (If granted: Beacon Gasoline Co. would receive an extension of the price relief granted in FEA's Oct. 21, 1975, decision and order.)	FEE-2213	Extension of FEA's exception relief; Beacon Gasoline Co., 2 FEA Par. 80,708 (Oct. 21, 1975).
Do.....	Quincy Oil, Inc., Quincy, Mass. (If granted: Quincy Oil would not be required to refund alleged overcharges and would be permitted to establish its selling price for No. 6 fuel oil above the maximum level permitted under the mandatory petroleum price regulations.)	FEE-2212 FES-2212	Price exception (sec. 212.03) stay requested.
Jan. 29, 1976....	Gulf Oil Corp., Philadelphia, Pa. (If granted: FEA Region III's Jan. 26, 1976, remedial order would be stayed and Gulf Oil Corp. would not be required to refund or adjust prices for fuel oil sold to the Virginia Electric Power Co.)	FES-0733	Stay requested of FEA Region III's Jan. 26, 1976, remedial order.
Do.....	Sun Oil Co., Dallas, Tex. (If granted: FEA's Dec. 22, 1975, decision and order would be rescinded and Sun Oil Co.'s current cumulative deficiency of crude oil on its John R. Junkin lease would be eliminated.)	FEA-0732	Appeal of FEA's exception decision and order; Sun Oil Co., 3 FEA Par. 83,065.

[FR Doc.76-4723 Filed 2-13-76; 1:29 am]

NOTICE OF CASES FILED WITH THE
OFFICE OF EXCEPTIONS AND
APPEALS

Week of January 30 Through February 6,
1976

Notice is hereby given that during the week of January 30 through February 6, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who

will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

FEBRUARY 12, 1976.

APPENDIX.—List of cases received by Office of Exceptions and Appeals, Jan. 30—Feb. 6, 1976

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1976...	A&N Producing Services, Inc., Natchez, Miss. (If granted: Crude oil produced from the Hall No. 6 well will be sold at prices above the lower tier ceiling price.)	FEE-2215	Price exception (sec. 212.72)
Do.....	Beacon Oil Co., Hanford, Calif. (If granted: FEA's Dec. 12, 1975, decision and order would be rescinded and Beacon Oil Co. would be permitted to adjust its May 15, 1973, selling prices to reflect its cost increases.)	FEA-0740	Appeal of FEA's exception decision and order, Beacon Oil Co., 3 FEA Par. 83,036 (Dec. 12, 1975).
Do.....	Consumers Power Co., Jackson, Mich. (If granted: FEA's Dec. 12, 1975, amended order regarding Consumers Power Co.'s natural gas sales would be rescinded.)	FEA-0706	Appeal of FEA's Dec. 12, 1975 amended orders.
Do.....	Exxon Co., U.S.A., Houston, Tex. (If granted: FEA's Dec. 15, 1975, decision and order which was issued to Vanguard Oil & Service Co. would be rescinded and Exxon Co. would continue to supply the Philadelphia Naval Shipyard with fuel oil.)	FEA-0741	Appeal of FEA's exception decision and order, in Vanguard Oil & Service Co., 3 FEA Par. 83,050 (Dec. 15, 1975).
Do.....	McCulloch Gas Processing Corp., Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price exception relief granted in FEA's Nov. 14, 1975, decision and order.)	FEE-2219	Extension of FEA's exception relief in McCulloch Gas Processing Corp., 3 FEA Par. 83,003 (Nov. 14, 1975).
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would be exempted from the requirement that 150,000 bbl of crude oil which Phillips imported from Canada be processed in its Kansas City refinery.)	FPI-0067	Exception from 10 CFR 213.33(e).
Feb. 2, 1976....	Atlantic Richfield Co., Dallas, Tex. (If granted: Atlantic Richfield Co. would be permitted to increase its prices for the natural gas liquid products fractionated at its gas plants to reflect nonproduct cost increases in excess of \$0.005 per gallon.)	FEE-2218	Price exception (sec. 212.165).
Do.....	Crystal Oil Co., Shreveport, La. (If granted: Crystal Oil Co. would be permitted to allocate its increased cost of crude oil and increased nonproduct costs in proportion to its yield of refined products, rather than in proportion to its total sales of refined products.)	FEE-2214	Price exception (sec. 212.83).
Do.....	General Motors Corp., Detroit, Mich. (If granted: FEA's Dec. 12, 1975, amended order which was issued to Consumers Power Co. would be rescinded and General Motors Corp. would be supplied natural gas by Consumers Power Co.)	FEA-0736	Appeal of FEA's Dec. 12, 1975, amended order.
Do.....	Maurice L. Brown Co., Kansas City, Mo. (If granted: Crude oil produced from the East Stroud pure sand unit would be sold at prices above the lower tier ceiling price.)	FEE-2216	Price exception (sec. 212.72).
Do.....	Michigan Milk Producers Association, Lansing, Mich. (If granted: FEA's Dec. 12, 1975, amended order which was issued to Consumers Powers Co. would be rescinded and Michigan Milk Producers Association would be supplied natural gas by Consumers Powers Co.)	FEA-0735	Appeal of FEA's Dec. 17, 1975, amended order.
Do.....	New England Petroleum Corp., Washington, D.C. (If granted: New England Petroleum Corp. would receive a stay of the requirements of 10 CFR 211.67 pending a final determination of its exception request.)	FES-2103	Stay request.
Do.....	Owens-Illinois, Inc., Toledo, Ohio. (If granted: FEA's Dec. 12, 1975, amended order which was issued to Consumers Power Co. would be rescinded and Owens-Illinois, Inc., would be supplied natural gas by Consumers Power Co.)	FEA-0737	Appeal of FEA's Dec. 12, 1975, amended order.
Do.....	Petrochemical Energy Group, Washington, D.C. (If granted: FEA's Dec. 12, 1975, amended order which assigned a base period use and suppliers of SNG feedstock for Consumers Power Co. would be rescinded.)	FEA-0738	Do.
Do.....	Superior Oil Co. (Rio Bravo), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted for its Rio Bravo Plant in the FEA's Nov. 21, 1975, decision and order.)	FEE-2220	Extension of FEA's price exception relief in Superior Oil Co., 3 FEA Par. 83,029 (Nov. 21, 1975).
Do.....	Superior Oil Co. (West Seminole), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted for its West Seminole Plant in FEA's Nov. 21, 1975 decision and order.)	FEE-2221	Do.
Do.....	Tac Air Services, Inc., Pittsburgh, Pa. (If granted: The requirements of FEA's Nov. 21, 1975, decision and order would be stayed pending final determination of its pending appeal.)	FES-0606	Stay of FEA's exception decision and order in Tac Air Services, Inc., 3 FEA Par. 83,017 (Nov. 21, 1975).
Do.....	Tenneco Oil Co., Houston, Tex. (If granted: Tenneco would be permitted to pass through costs relating to the operation of its new hydrosulfurization unit in the same manner as costs incurred in the purchase of crude oil.)	FEE-2217	Price exception (sec. 212.82).
Do.....	Upjohn Co., Kalamazoo, Mich. (If granted: FEA's Dec. 12, 1975, amended order which was issued to Consumers Power Co. would be rescinded and Upjohn Co. would continue to be supplied natural gas by Consumers Power Co.)	FEA-0734	Appeal of FEA's Dec. 12, 1975, amended order.
Feb. 19, 1976...	Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would receive an extension of the relief directing that the firm be assigned a lower priced supplier.)	FEE-2223	Extension of FEA's supplier relief in Colonial Oil Co., 2 FEA Par. 80,704 (Oct. 14, 1975).
Do.....	Good Hope Refineries, Inc., Metairie, La. (If granted: Good Hope Refineries, Inc., a refiner-buyer, would receive assistance in obtaining the amount of crude oil allocated to it on the crude oil buy sell list for the present quarter (Dec. 1, 1975-Feb. 29, 1976).)	FSG-0019	Request for special redress.
Do.....	J&W Refining, Inc., William Sheehy, Palestine, Tex. (If granted: FEA's Dec. 12, 1975, interpretation would be rescinded.)	FEA-0742	Appeal of FEA's Dec. 12, 1975, interpretation.

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Readygas Propane Service, Inc., Eldon, Mo. (If granted: Readygas Propane Service, Inc., would be assigned a new, lower priced supplier of propane to replace its base period supplier, Union Oil of California.)	FEE-2222	Exception to change suppliers.
Feb. 4, 1976.....	Dow Chemical Co., Jackson, Mich. (If granted: FEA's Dec. 12, 1975, amended order would be rescinded and Dow Chemical Co. would be supplied natural gas by Consumers Power Co.)	FEA-0739	Appeal of FEA's Dec. 12, 1975, amended order.
Do.....	Michigan Public Service Commission, Lansing, Mich. (If granted: FEA's Dec. 12, 1975, amended order which was issued to Consumers Power Co. would be rescinded.)	FEA-0743	Do.
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: FEA's Dec. 23, 1975, assignment order requiring Phillips Petroleum Co. to supply W. H. Wagner Gas & Electric with propane for the first quarter of 1976 would be rescinded.)	FEA-0746	Appeal of FEA's Dec. 23, 1975, assignment order.
Do.....	Shell Oil Co. (If granted: Shell Oil Co.'s entitlement obligations would be adjusted based on reporting errors which resulted in inaccurate entitlement purchases.)	FEE-2224	Exception to sec. 211.67.
Do.....	Texaco, Inc. (Kerr-McGee), New York, N.Y. (If granted: FEA's Jan. 19, 1976, order directing Texaco, Inc., to supply Kerr-McGee Corp. with 562,413 bbl of crude oil for the September-November 1975 allocation quarter would be rescinded.)	FEA-0745 FES-0745	Appeal of FEA's Jan. 19, 1975, order; stay request.
Do.....	Texas Asphalt & Refining Co., Fort Worth, Tex. (If granted: FEA's remedial order finding that Tarco had failed to process crude oil purchased under the buy/sell program in a timely manner would be rescinded.)	FEA-0744	Appeal of FEA's Jan. 19, 1976, remedial order.
Feb. 5, 1976.....	Amerada Hess Corp., New York, N.Y. (If granted: Amerada Hess Corp. would be able to carry forward all of its increased product costs for December 1975 without regard to the 10 pct monthly passthrough limitation.)	FEE-2225	Price exception (sec. 212.83).
Do.....	Southland Oil Co., Savannah, Ga. (If granted: Southland Oil Co. would receive an extension of the relief assigning a lower priced supplier granted in FEA's Dec. 8, 1975, decision and order.)	FEE-2226	Extension of FEA's supplier relief in Southland Oil Co., 3 FEA Par. 80,527 (Dec. 8, 1975).
Feb. 6, 1976.....	Coastal States Gas Corp., Houston, Tex. (If granted: Coastal States Gas Corp. would be permitted to file amended reports under the entitlements program for the months of November 1974 through October 1975.)	FEE-2228	Exception to sec. 211.67.
Feb. 5, 1976.....	El Paso Natural Gas Co., El Paso, Tex. (If granted: El Paso Natural Gas Co. would be permitted to increase its price for the natural gas liquid products fractionated at its plant to reflect nonproduct cost increases in excess of \$0.005 per gallon.)	FEE-2227	Price exception (sec. 212.165).

[FR Doc.76-4722 Filed 2-13-76;1:30 am]

FEDERAL MARITIME COMMISSION

[No. 76-8]

CAPITAL CITY STEVEDORES, INC. AND
GREATER BATON ROUGE PORT COM-
MISSION

Filing of Complaint

Notice is hereby given that a complaint filed by Capital City Stevedores, Inc., against Greater Baton Rouge Port Commission was served February 17, 1976. The complaint alleges that respondent has prevented complainant from performing car loading and unloading at the Port of Baton Rouge to the same extent and upon the same basis as Baton Rouge Marine Contractors, Inc. is permitted, in violation of sections 15, 16, and 17 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before August 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-4916 Filed 2-19-76;8:45 am]

[Independent Ocean Freight Forwarder
License No. 580]

MEYER SHIPPING CO.

Order of Revocation

By letter dated January 19, 1976, Meyer Shipping Company, 5 Beekman

Street, New York, New York 10038, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 580 for revocation to become effective February 16, 1976.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(b) dated June 30, 1975.

It is ordered, that Independent Ocean Freight Forwarder License No. 580 issued to Meyer Shipping Company, be and is hereby revoked effective February 16, 1976, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Meyer Shipping Company.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-4915 Filed 2-19-76;8:45 am]

PORT OF SEATTLE AND WEST COAST
CONTAINER SERVICES, INC.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 15, 1976. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2785-2, between Port of Seattle and West Coast Container Services, Inc. (West Coast), who has been assigned Kerr Steamship Company's interest in the agreement, modifies the basic agreement which provides for the five-year lease (with renewal options) of land and a building at Terminal 46, which will be utilized as a shop for general equipment repairs. The purpose of the modification is to reduce the ground area by 5,000 square feet and to delete a concrete tilt-up structure from the leased premises. The compensation paid by West Coast shall be adjusted accordingly.

By order of the Federal Maritime Commission.

Dated: February 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.4914 Filed 2-19-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. C876-397, et al.]

ADOBE DRILLING PROGRAMS—1975
LTD., ET AL.Applications for "Small Producer"
Certificates¹

FEBRUARY 13, 1976.

Take notice that each of the Applicants listed herein has filed an applica-

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

tion pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-307	Jan. 26, 1976	Adobe Drilling Program—1975, Ltd., 1100 Western Life Bldg., Midland, Tex. 79701.
CS76-435	Jan. 29, 1976	Justin R. Querbes, Jr., 212 Milam St., Shreveport, La. 71101.
CS76-436	do	Sims Oil Co., Inc., 3000 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS76-437	do	Vermilion Exploration, Inc., 1606 1st National Center, Oklahoma City, Okla. 73102.
CS76-438	Jan. 26, 1976	The Headington Co., 1606 1st National Center, Oklahoma City, Okla. 73102.
CS76-439	Jan. 29, 1976	Retama Corp., 307 Milam Bldg., San Antonio, Tex. 78205.
CS76-440	do	Mar-Win Development Co., 201 Wall Towers East, Midland, Tex. 79701.
CS76-441	Jan. 30, 1976	Alvin Wilson, P.O. Box 3451, Tyler, Tex. 75701.
CS76-442	do	Triple K Oil Co., East Star Route, Box 91A, Nowata, Okla. 74048.

Docket No.	Date filed	Applicant
CS76-443	do	Cobar Corp., 1627 Milam Bldg., San Antonio, Tex. 78205.
CS76-444	do	William R. Speer, Box 255, Farmington, N. Mex. 87401.
CS76-445	Feb. 2, 1976	C. W. Hudson, Route 6, Box 18, Jackson, Miss. 39208.
CS76-446	do	John H. Hurbrough et al., 3001 West Heimer, Suite 354, Houston, Tex. 77027.
CS76-447	do	A A Minerals Corp., 1107 Deseret Bldg., Salt Lake City, Utah 84111.

[FR Doc.76-4807 Filed 2-19-76; 8:45 am]

COLORADO INTERSTATE GAS CO.

[Docket No. RP72-122 (PGA76-1) and RP75-86]

Motions for Extension of Time

FEBRUARY 12, 1976.

On December 24, 1975, Graham-Michaels Drilling Company (G-M), William Graham Oil Company (Graham) and W. L. Hartman (Hartman) filed a motion to extend the procedural dates fixed by order issued November 17, 1975, in the above-designated proceeding. On January 5, 1976, a motion for extension of time was filed on behalf of the Walter Kuhn Drilling Company.

By order issued January 15, 1976, the Commission stayed the consolidated hearing proceedings in this matter. Accordingly, the requests for additional time are moot, and therefore no action will be taken with respect thereto.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4892 Filed 2-19-76; 8:45 am]

[Docket No. E-9453]

DUKE POWER CO.

Further Extension of Procedural Dates

FEBRUARY 13, 1976.

On February 9, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, as most recently modified by notice issued January 9, 1976, in the above designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff
Testimony, March 19, 1976.
Service of Intervenor
Testimony, April 2, 1976.
Service of Company
Rebuttal, April 16, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4901 Filed 2-19-76; 8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-1)]

EL PASO NUCLEAR GAS CO. Tender of Motions for Dismissal From Proceedings

FEBRUARY 12, 1976.

Take notice that by letter filed December 4, 1975, small producer J. C. William-

son requested dismissal from the small producer part of the above captioned proceedings, which the Commission will treat as a motion to dismiss, stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for his sales to El Paso amounts to \$262.00, certain expenses incurred are not included in his cost, the well involved may not perform satisfactorily because of similar experience at such location, no income has been received, considerable expense and time would be involved in defending the small excess amount above the level prescribed in Opinion No. 742 and he is extremely active in a drilling campaign for oil.

Take notice that by motion filed December 12, 1975, small producer Boyd Laughlin requested dismissal from the same proceedings stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for his sales to El Paso amounts to \$53.00, no payments have been received from El Paso, certain expenses incurred are not included in his cost, and he would earn an uneconomic return even if the current rate was authorized.

Take notice that by motion filed December 12, 1975, small producer Alpar Resources, Inc., requested dismissal from the same proceedings stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for its sales to El Paso amounts to \$10.00.

Copies of these motions for dismissal are on file with the Commission and are available for public inspection. Any person desiring to respond to said motions should file responses with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 27, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4895 Filed 2-19-76; 8:45 am]

[Docket No. ID-1731]

WENDELL P. JOHNSON Application

FEBRUARY 13, 1976.

Take notice that on January 21, 1976, Wendell P. Johnson (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President, Vermont Yankee Nuclear Power Corporation, Public Utility.

Vermont Yankee Nuclear Power Corporation is the owner of a nuclear power plant in Vernon, Vermont, which sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4903 Filed 2-19-76;8:45 am]

[Docket No. RP70-6, et al.]

LAWRENCEBURG GAS TRANSMISSION CORP.

Report of Refunds

FEBRUARY 11, 1976.

Take notice that on January 21, 1976 as supplemented on January 26, 1976, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) filed a "Report of Refunds" together with associated revised gas tariff sheets and refund support data, pursuant to Article VI of its Stipulation and Agreement at Docket No. RP70-6, et al., approved by Commission Order issued August 25, 1972.

Lawrenceburg states that it made refunds to two jurisdictional wholesale customers on January 19, 1976 in the amounts of \$20,730.27 to the Lawrenceburg Gas Company and \$8,967.61 to The Cincinnati Gas & Electric Company, applicable to the period April 1, 1975 through December 31, 1975. A portion of the refunds for the period April 1, 1975 through September 30, 1975 constitutes a flow through of a refund plus interest received by Lawrenceburg from its supplier, Texas Gas Transmission Corporation (Texas Gas) on November 7, 1975. The balance of the refunds for the period October 1, 1975 through December 31, 1975 reflects the application of revised gas tariff rates, reflecting the settlement tariff rates of Texas Gas in Docket No. RP75-19.

In support of its refund Lawrenceburg has submitted appendices to its report, revised tariff sheets reflecting the revised settlement tariff rates of Texas Gas. Lawrenceburg states that the revised tariff sheets as filed in this report and effective November 1, 1975 will constitute the revised tariff rate which it will utilize for billing purposes commencing January 1, 1976.

Lawrenceburg in its supplemental filing of January 26, 1976 submitted a Supplemental appendix consisting of five revised gas tariff sheets. Lawrenceburg states that both sets of tariff sheets incorporate identical refund tariff rates, but that the supplemental one reflects:

(1) A more understandable method for determining the final refund rates through explained adjustments to updated base rates.

(2) Addition of reference notes where applicable.

(3) Addition of the note "Revised for Refund Purposes Only", where applicable.

Lawrenceburg states that a copy of its Report of Refunds and the supplement have been mailed to its two jurisdictional wholesale customers and to the two interested state commissions, the Public Service Commission of Indiana and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene (unless such intervention has previously been granted) or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4885 Filed 2-19-76;8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Extension of Procedural Dates

FEBRUARY 13, 1976.

On February 9, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff
Testimony, April 20, 1976.
Service of Intervenor
Testimony, May 11, 1976.
Service of Company
Rebuttal, June 8, 1976.
Hearing, June 22, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4900 Filed 2-19-76;8:45 am]

[Docket Nos. E-9499 and E-9502; Docket No. ER76-20]

MINNESOTA POWER & LIGHT CO. AND SUPERIOR WATER, LIGHT & POWER CO.

Further Extension of Procedural Dates

FEBRUARY 12, 1976.

On January 28, 1976, staff Counsel filed a motion to extend the procedural dates fixed by order issued July 18, 1975, as most recently modified by notice issued January 21, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff

Testimony, February 23, 1976.

Service of Intervenor

Testimony, March 16, 1976.

Service of Company

Rebuttal, March 30, 1976.

Hearing, April 13, 1976 (10:00 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-484 Filed 2-19-76;8:45 am]

[Docket No. CP76-14, et al.]

NATURAL GAS PIPELINE CO. OF AMERICA

Extension of Time

FEBRUARY 12, 1976.

On February 5, 1976, Natural Gas Pipeline Company of America (Natural) files a motion to extend the date for filing the liquids transportation rate schedule required by ordering paragraph (y) of order issued November 19, 1975 in Docket No. CP76-14, et al.

Notice is hereby given that the date for Natural to file the above-indicated rate schedule in Docket No. CP76-14, et al is extended to and including March 10, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4893 Filed 2-19-76;8:45 am]

[Docket Nos. CP 76-14, et al.]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.

Findings and Order Granting Temporary and Permanent Certificates of Public Convenience and Necessity

FEBRUARY 12, 1976.

In the matter of Natural Gas Pipeline Company of America, et al., CP76-14, et al., Bethlehem Steel Corporation, CI76-190, Florida Gas Exploration Company, CI76-192, Dorchester Exploration, Inc., CI76-193, Shell Oil Company, CI76-225, Mitchell Energy Offshore Corporation, et al., CI76-244, Case-Pomeroy Oil Corporation, CI76-317, Felmont Oil Corporation, CI76-318, Atlantic Richfield Company, CI76-357, Stingray Pipeline Company, CP75-329.

On November 21, 1975, and January 26, 1976, the Commission issued orders in the consolidated proceeding *Natural Gas Pipeline Co. of America, et al.*, Docket Nos. CP76-14, et al., granting temporary and permanent certificates and setting a hearing on offshore projects in the Federal Domain, Gulf of Mexico. Nine additional dockets involving similar issues of fact and law are pending before the Commission in the above dockets. These proceedings will be treated in the same manner as the aforesaid *Natural* dockets.

Bethlehem Steel Corporation filed an application in Docket No. CI76-190 on September 30, 1975, for a sale of gas to Transcontinental Gas Pipeline Corporation from South Timbalier Block 185 Field, Federal Domain, at the National rate. Its contract dated January 15, 1973, is for a term of 20-years and commits to the sale gas to be produced from forma-

tions down to 16,000 feet only. An identical contract was submitted by Florida Gas Exploration Company in Docket No. CI76-192; by Dorchester Exploration Inc. in Docket No. CI76-193; and by Mitchell Energy Offshore Corporation, *et al.*, in Docket No. CI76-244, filed on October 29, 1975. The Block 185 Field consists of Blocks 180, 181, 184, and 185 in the South Timbalier Area. The above four applications cover 47 percent of the working interest in Block 180, 181, 184, C&K Petroleum Inc. and H. C. Price Company, respectively, have small producer certificates in CS71-1102 and CS76-287 (24.9 percent in such blocks) and are signatory parties to the January 15, 1973, contract with Transco. CNG Producing Company and Shepherd Offshore Ventures own the remaining working interest in Blocks 180, 181, and 184. Shepherd is a signatory party to the January 15, 1973, contract but has not filed an application of the sale of its interest in these three blocks. CNG is authorized in Docket No. CI75-513 to sell gas to Consolidated Gas Supply Corporation from its 25 percent interest in Block 184, but not from its 25 percent interest in Block 180 and 181. The four applicants above own 25 percent of the working interest in Block 185. CNG is further authorized in Docket CI75-513 to make sales from its 15 percent interest in Block 185 to Consolidated and 14.6 percent is owned by three small producer certificate holders (H. C. Price Co., C&K Petroleum, Inc., and Furth Oil Co.), signatory parties to the January 15, 1973, contract. In addition, Shepherd and Zapata Corp. are signatory to the contract owning an interest in Block 185 and have not filed for authorization to make sales from their interest. The remaining interest is owned by Atlantic Richfield Company (20 percent), and Skelly Oil Company (20 percent), neither of which has filed a certificate application. Facilities from Block 185 Field to Block 179 Field were installed by Transco under its budget authorization to attach the Field to an existing pipeline of Trunkline Gas Company; and in Docket No. CP76-78, *et al.*, Trunkline was authorized to transport up to 11,200 Mcf per day for Transco and 3,700 Mcf per day for Consolidated from Block 179 to an onshore point. As in prior orders in this proceeding, the Commission will require the operator of Block 185 Field to file operating agreements so that the Commission will be informed of the status of production as it may relate to non-certificated interest owners in the Field. Each interest owner which has not filed a certificate application will file a statement of its intention.

The contract between Transco and the producers dated January 15, 1973, provides that the price may increase as provided in paragraph (3) of Article XI, a provision which constitutes a favored nation clause, which is impermissible in contracts dated after April 3, 1961, pursuant to Section 154.93 of the Regulations. The certificates issued by this order will be conditioned upon submittal by each applicant of a contract amendment

eliminating such impermissible pricing provisions. Producers have also reserved the right to inject liquids into the pipeline facilities for transportation onshore at a charge of 20¢ per barrel, such to change if the Commission prescribes a different rate. Pursuant to prior Commission orders, Trunkline and Transco will be required to submit a supporting cost-of-service exhibit and tariff prior to initiation of such liquids transportation service.

Shell Oil Company in Docket No. CI76-225 filed an application on October 16, 1975, for the sale of gas to Natural Gas Pipeline Company from Vermilion Block 321, Federal Domain. Shell's contract reserves up to 25 percent of its reserves for its own use, provides for a term of 15 years and limits dedication of specified sands in its contract of August 1, 1975. The limits are specifically from the top of the "D" Sand to the base of the "S" Sand in a specified portion of Vermilion Block 321. Gas to be purchased by Natural will be received through facilities of Stingray Pipeline Company. Shell also reserved the right to transport its liquids through these facilities and thus Stingray will be required to submit a cost-of-service exhibit and tariff prior to the initiation of transportation for Shell. Vermilion Block 321 is the subject of the advance payment agreement dated April 19, 1971.

Case-Pomeroy Oil Corporation filed an application in Docket No. CI76-317 on December 29, 1975, to initiate a sale to Columbia Gas Transmission Corporation from West Cameron Block 543, Federal Domain. C-P's contract dated December 15, 1975, has a term of 15 years, limits dedication to specified depths underlying a portion of Block 543, and reserves up to 25 percent of the gas for C-P's own use. Felmont Oil Corporation filed an identical contract covering its interest in Block 543 in Docket No. CI76-318. The specific depth dedication is from the surface to a true vertical depth of 12,305 feet. C-P and Felmont reserve the right to inject liquid hydrocarbons into the pipelines for transportation onshore. Columbia Gulf has made advance payments to C-P and Felmont covering their interest in Block 543.

Atlantic Richfield Company filed an application on January 26, 1976, in Docket No. CI76-357 for the sale of gas to Tennessee Gas Pipeline Company from Grand Isle Block 45, Federal Domain. The contract between Richfield and Tennessee provides for a term of 20 years and commits horizons between the surface in the base of the LN Sand in Block 45. The other 75 percent interest in this Block has been dedicated by Continental, Getty and Cities Service, in the order issued herein on January 26, 1976. Richfield's contract provides that Tennessee will transport liquids for Richfield without charge unless the Commission requires the charge be made or the Commission refuses to permit Tennessee to recover in its jurisdictional rates allocable to the cost of the transportation of such liquids. The Commission will require Tennessee to make a cost-of-

service and tariff filing as previously required.

Stingray Pipeline Company (Stingray) on May 6, 1975, filed an application in Docket No. CP75-329 to construct approximately 12 miles of offshore pipeline, namely 5.0 miles of 12¾ inch diameter lines to connect Block 533 Field West Cameron and 7.1 miles of 6¾ inch diameter pipeline to connect East Cameron Block 322 Field to its existing offshore system and estimated total cost of \$5,100,000. These facilities are to be constructed to attach additional reserves in West Cameron Block 533 Field and East Cameron Block 322 Field to transport gas for Natural Gas Pipeline, Trunkline, and United Gas Pipeline. A temporary certificate has been issued to Stingray to construct these facilities by separate order of the Commission. The producer applications related to Stingray's facilities are in Docket Nos. CI76-53, CI76-201, CI76-209, CI76-273, and CI75-223 which are consolidated in this proceeding and Stingray's application should be consolidated with the other related matters herein for final determination by the Commission on a consolidated record.

In the order issued November 21, 1975, in *Natural*, *supra*, the Commission noted that natural gas producers sought Commission approval of contracts which limit the dedication of gas to specified producing formations, reserve specific portions of gas for their own use, or limit the sale of gas to specified percentages of available reserves and limit the term of their contracts for the sale of gas. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission by order issued June 3, 1975, in *Getty Oil Company, et al.*, in Docket No. CI75-319, *et al.*, directed that a formal hearing be held to resolve similar issues of depth limitations and limitation on the term of the sale.

The order of June 3, 1975, in Docket Nos. CI75-319 *et al.* (p. 1) states:

"This proceeding involves issues of limitations in gas sales contracts, between independent producers and an interstate pipeline, for natural gas to be produced and sold from leases in the Federal Domain in the Gulf of Mexico, proposed to be certificated by the Federal Power Commission and accepted for filing.

The producer gas sales contracts would limit dedications to the base of defined producing formations for a limited term. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission directs a formal hearing on these issues. Applicants shall, *inter alia*, in their evidence address the question of whether the dedication of gas reserves to be connected from Federal Domain leases should not include all of the commercially producible gas reserves from the surface to the limit of the well bore."

Producers herein have proposed contracts limiting the term of the sale contract, reserving volumes of gas or percentages of total reserves or options to do so at their unilateral discretion, and

containing depth limits. By the order issued in *Natural* on November 21, 1975, the Commission stated that since a stated term in a sales contract cannot limit the dedication of that gas to such term, it would not reject contracts with terms of less than 20 years. In accepting 5 and 10 year limited-term contracts, the Commission found that a properly conditioned certificate could be issued:

Cases¹ decided under the Natural Gas Act, lead to the finding that when the Commission certifies a sale by a producer, and the gas begins to flow under the certificated authority, the certificated service authority is binding on both seller and buyer until such time as the Commission authorizes a change in the certificated service. The authorized service integrates the duty to continue to make the sale regardless of any contractual provision to the contrary.

In order to accommodate the various applicants involved in these offshore projects, the Commission will tender to the natural gas producers, in the alternative, temporary or permanent certificates. Where the producers accept permanent authorization pursuant to the certificates hereinafter issued, specific conditions will eliminate all controversial issues. This can be accomplished by the filing by each producer of a contract amendment consistent with these requirements.

The alternative tendered to each natural gas producer is a temporary certificate which sets the application of the independent producer for hearing and decision and permits gas sales to commence as the Commission has previously permitted in the *Getty Oil Company, et al.*, Docket No. CI75-319, *et al.* Each natural gas producer therefore has the option of accepting a temporary certificate to commence operations and proceed to formal hearing on the issues raised by its contract for the sale of gas, or in the alternative accept a permanent certificate as conditioned and conclude action on its application.

By subsequent notice, the Secretary of the Commission will designate the applicants and Docket Nos. which will be the subject of the hereinafter scheduled hearing. Natural gas producers which accept neither permanent nor temporary authorization pursuant to this order will have their application set for hearing as part of the consolidated proceeding.

Petitions to intervene have been filed by United Gas Pipeline, Natural, Consumers Power Company, Mississippi River Transmission, Southern, and Columbia in Docket No. CP75-329.

At a hearing held on _____, 1976, the Commission on its own motion received and made a part of the record in these dockets all evidence, including the applications, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant will be or is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the application will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule related to the authorizations hereinafter granted should be accepted for filing.

(4) The sales of natural gas hereinbefore described and as more fully described in the applications of natural gas producers in these dockets will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by said persons, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary, therefore, are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

The Commission orders:

(A) Permanent certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale by natural gas producer applicants herein of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rate or the national base rate of 52.0 cents per Mcf (14.73 psia), subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance, all as hereinafter described and as more fully described in the applications in said dockets, subject to the following conditions.

(B) All petitioners to intervene are permitted to intervene in all the proceedings in which they have filed petitions to intervene subject to the rules and

regulations of the Commission; *Provided, however*, That participation by such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved, because of any order of the Commission entered in these proceedings.

(C) The certificates issued in paragraphs (A) and (H) shall be void and without force or effect unless accepted in writing by Applicants within 30 days from the issue date of the order issuing such certificates; *Provided, however*, That if an application for rehearing of such order is filed in accordance with Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed; *Provided, further*, That if a petition for review is filed in accordance with the provisions of Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

(D) The certificates issued in paragraphs (A) and (H) and the rights granted thereunder are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission.

(E) The grant of the certificates issued in paragraphs (A) and (H) shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates herein for service to the particular customers involved shall not imply approval of the terms of the contracts, particularly as to the cessation of service; termination must be pursuant to Section 7(b) of the Natural Gas Act. The grant of the certificates herein shall not be construed to preclude the imposition of any sanctions pursuant to provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificates.

(F) Applicants, upon acceptance of a permanent certificate in paragraph (A) above shall within 30 days of said acceptance file with the Commission an amendment to its gas sale contract to delete

¹ *City of Detroit v. Panhandle Eastern Pipeline Company*, 6 FPC 196, 204, affirmed, 143 F. 2d 488, (8th Cir. 1944), affirmed, 324 U.S. 635 (1945); *Sunray Mid-Continent Oil Company v. FPC*, 364 U.S. 137, 156 (1960); *Hunt v. FPC*, 306 F. 2d 334, 342 (5th Cir. 1962); *Panhandle Eastern Pipeline Company v. FPC*, 177 F. 2d 942, 945 (8th Cir. 1949); *Michigan Consolidated Gas Company v. Panhandle Eastern Pipeline Company*, 173 F. 2d 784, 789 (8th Cir. 1949); *Continental Oil Company*, 31 FPC 1079, 1083, affirmed, 385 U.S. 83 (1966); *Cities Service Gas Company*, 33 FPC 364, 378 (1967); *Blair-Vreeland*, Opinion Nos. 724 and 724-A (1975); *Mitchell Energy Corporation*, Opinion No. 733 (1975); *El Paso Natural Gas Company, et al.*, Opinion No. 737 (1975).

any reservation of gas for its own use and to dedicate all of the commercially producible gas reserves from the surface to the limit of the well bore.

(G) Section 154.93 of the Regulations under the Natural Gas Act is hereby waived to permit the inclusion in Applicants' rate schedules of the contractual provision for rate increases to a higher area rate found to be proper by hearing, rulemaking or a Commission approved settlement and the reimbursement by buyer of any excess royalty payments. Any rate increase based on the excess royalty provision is subject to rejection.

(H) Based upon the allegations presented upon the need for additional natural gas supplies, the Commission finds that an emergency exists and temporary certificates are hereby issued to natural gas producer Applicants herein pursuant to Section 7 of the Natural Gas Act authorizing the sale by Applicants in these dockets of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rate or the national base rate of 52.0¢ per Mcf (14.73 psia) subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance, subject to conditions stated above and hereafter.

(I) Applicants acceptance or rejection of the temporary certificates shall be filed within 30 days of the date hereof. If accepted, the temporary certificate shall be effective upon the date of receipt of the acceptance by the Secretary. Service under the temporary certificate shall commence within 30 days from the date of completion of the facilities by the purchaser or transporter. Such service shall be continued unless or until abandonment authorization is granted pursuant to Section 7(b) of the Natural Gas Act whether the contract term has expired or not. The issuance of temporary certificate and the acceptance of the rate schedule are without prejudice to such final disposition of the application for certificate as the record may require.

(J) The applications in Docket Nos. CI76-190, CI76-192, CI76-193, CI76-225, CI76-244, CI76-317, CI76-318, CI76-357 and CP75-329 are hereby consolidated for hearing and decision with CP76-14, *et al.* By subsequent notice, the Secretary of the Commission will delete herefrom each application which is concluded by acceptance of a permanent certificate issued by paragraph (A) above.

(K) On or before February 26, 1976, Applicants and all persons in support shall each file their prepared testimony and exhibits comprising their case-in-chief, and in compliance with paragraph (N) below upon all parties to the proceeding, the Office of the Administrative Law Judges, the Commission Staff and all parties to the consolidated proceeding.

(L) A presiding Administrative Law Judge to be designated by the Chief Ad-

ministrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(M) Pursuant to the authority of the Natural Gas Act particularly Sections 7, 14, 15, 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held commencing March 23, 1976, at 10:00 a.m. (EST) in a hearing room at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters in these consolidated dockets, at which time, *inter alia*, applicant's witnesses shall be presented in support of prepared evidence as detailed in paragraph (N) below.

(N) Each natural gas producer shall present as part of its prepared evidence in the consolidated hearing supporting data to show: Schedule I, the volumes of natural gas to be produced and sold from each field in which it has an interest during the term of its contract from contractually specified formations; Schedule II, the estimated gross and net recoverable natural gas reserves in each formation in each field; Schedule III the estimated gross and net recoverable natural gas reserves commercially producible from the surface to the limit of the well bore; and Schedules IV, V, and VI, deliverability schedules related to each of the reserve estimates called for above. Each natural gas producer shall also present a schedule of payments received and anticipated to be received from the interstate pipeline company proposing to purchase gas from the field. In order to reduce the volume of evidence submitted, a natural gas producer having an undivided interest in the field may adopt the evidence of another producer as showing its reserves and deliverability.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing to become effective on the date of initial delivery. Applicants shall advise the Commission of said date within 10 days thereof.

The rate schedules have been designated as follows:

Description	Designation
Contract Sept. 26, 1975...	Atlantic Richfield Co., R.S. 701
Contract Dec. 15, 1975...	Case-Pomeroy Oil Corp., R.S. 7
Do	Felmont Oil Corp., R.S. 24
Contract Aug. 1, 1975...	Shell Oil Co., R.S. 407
Contract Jan. 15, 1973...	Bethlehem Steel Corp., R.S. 1
Do	Florida Gas Exploration Co., R.S. 9
Do	Dorchester Exploration Ltd., R.S. 7
Do	Mitchell Energy Offshore Corp., <i>et al.</i> , R.S. 5

(P) Applicant natural gas company's attention is directed to Commission Order No. 539, issued October 14, 1975, F.R., and to the provisions of

Section 2.83 General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization; (2) shall be without regard to any contractual reservations contrary to the certificate authorization; (3) and shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, *inter alia*, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that Applicant, if it has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

(Q) Certificates issued by this order to natural gas producers and gas begins to flow under such authority makes the certificates service authority binding on both seller and buyer until such time as the Commission authorizes a change in the certificated service regardless of any contractual provision to the contrary.

(R) Transco, Columbia, Natural and TGP shall file within 45 days after service commences under the certificates issued herein, a verified statement showing *pro forma* Form 15 gas reserves and deliverability schedules for these fields, and representations of reserves controlled which will be made to stockholders, or contained in a prospectus or registration statement in connection with financial reporting.

(S) Acceptance of the rate schedules of Applicants herein pursuant to temporary authorization in paragraph (H) does not constitute Commission approval of the contractual reservations or limitations involved pending resolution of the matter on the merits after hearing and decision. Appropriate authorization from the Commission is required by any pipeline to transport any gas which the producers may be permitted to reserve.

(T) Within 30 days from the date of this order, applicant in Docket No. CI76-

225 shall file statement demonstrating the applicability of the rate, terms and conditions of Opinion No. 699-H. If such statement is filed with the Secretary within 30 days, the rate may be made effective as of the date of initial delivery.

(U) Within 30 days from the date of this order, applicants in Docket Nos. CI76-190, CI76-192, and CI76-193 shall file the written waiver required by Section 2.56a(i) of the rules pertaining to contingent escalations and refund credits. If such waiver is filed within 30 days, the rate may be made effective as of the date of initial delivery.

(V) Within 30 days from the date of the order, each producer applicant shall file three copies of a revised billing statement which clearly reflects the components of the authorized rate, namely, base rate, Btu adjustment and gathering allowance.

(W) The Secretary of the Commission is directed to serve a copy of this order on Shepherd Offshore Ventures, Zapata Corporation, Atlantic Richfield Company and Skelly Oil Company, which shall file a written statement within 15 days of the date of this order advising the Commission of its intentions with regard to its interest in Federal Domain Block 185 Field, South Timbalier Area.

(X) TGP, Trunkline, Natural, Transco and Stingray Pipeline shall file appropriate rate schedules 30 days prior to the initiation of any transportation service for natural gas producers for the transportation of liquids from these fields, together with a supporting cost-of-service exhibit.

(Y) C&K Petroleum Inc. (Operator), shall file copies of all operating agreements in Block 185 Field so long as certificates are not issued and accepted by Shepherd, Zapata, Richfield and Skelly as applicable to their respective field operations herein.

(Z) Applicants, Bethlehem, FGEC, Dorchester and Mitchell shall file a contract amendment deleting the favored-nations clause from their contracts within 30 days from the date of this order.

By the Commission.¹

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4891 Filed 2-19-76; 8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

FEBRUARY 13, 1976.

On February 10, 1976, New England Power Company filed a motion to extend the procedural dates fixed by order issued October 30, 1975, as most recently modified by notice issued December 11, 1975, in the above-designated proceeding.

¹ Commissioner Watt, concurring, filed a separate statement which was filed as part of the original document.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, April 9, 1976.
Service of Staff Testimony, June 11, 1976.
Service of Intervenor Testimony, June 25, 1976.
Service of Company Rebuttal, July 9, 1976.
Hearing, July 26, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4898 Filed 2-19-76; 8:45 am]

KANSAS POWER AND LIGHT CO.

[Docket No. ER76-39]

Further Extension of Procedural Dates

FEBRUARY 13, 1976.

On February 6, 1976, Kansas Municipal Wholesale Customers filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued January 29, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, March 5, 1976.
Service of Company Rebuttal, March 19, 1976.
Hearing, April 7, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4899 Filed 2-19-76; 8:45 am]

[Project No. 13]

NIAGARA MOHAWK POWER CORP.

Issuance of Annual License

FEBRUARY 11, 1976.

On March 2, 1970, Niagara Mohawk Power Corporation, Licensee for Green Island Project No. 13 located in the vicinity of the Town of Green Island, Albany County, New York, on the Hudson River, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corporation for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corporation (Licensee) under the Federal Power Act for the period March 3, 1976, to March 2, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No.

13, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4886 Filed 2-19-76; 8:45 am]

[Project No. 1273]

PAROWAN CITY, UTAH

Application for New Minor License (Constructed)

FEBRUARY 12, 1976.

Public notice is hereby given that an application was filed on May 22, 1975, and revised on September 18, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Parowan City, Utah (Correspondence to: Kendall O. Gurr, Mayor, Parowan City, Utah 84761; Dennis B. Horman, Engineer, Intermountain Consumer Power Association, P.O. Box BB, Sandy, Utah 84070; and Dennis Lowder, City Recorder, Parowan City, Utah 84761) for a new minor license for the constructed Center Creek Project No. 1273 located on Parowan Creek in Iron County, near Parowan City, Utah. The project affects lands of the United States.

The existing project consists of: (1) a small concrete overflow-type diversion dam approximately 85 feet long, controlled by a radial gate; (2) a well supplying water to either the forebay or to a small storage pond; (3) a concrete intake structure with trash racks on the west end of the diversion dam; (4) a 19,300-foot long steel penstock with varying diameters; (5) an indoor-type powerhouse with a single generator rated at 600 kW; and (6) appurtenant facilities.

The Applicant is a municipality as defined in Section 3(7) of the Federal Power Act (16 U.S.C. § 796(7)). The Applicant is engaged in a public service by generating, purchasing, distributing, and selling of electric power to domestic, commercial, and industrial customers in and around Parowan City. The Applicant also supplies power to Paragonah, Utah.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.3 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4896 Filed 2-19-76; 8:45 am]

PENNSYLVANIA POWER CO.

[Docket No. ER76-226]

Filing of Supplemental Data

FEBRUARY 13, 1976.

Take notice that on February 2, 1976 the Pennsylvania Power Company (PPC) tendered for filing additional cost data in response to the Commission's letter of January 19, 1976, informing PPC that its filing of October 28, 1975 was assessed as deficient.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4904 Filed 2-19-76;8:45 am]

SOUTHERN CALIFORNIA EDISON CO.

[Project No. 677]

Issuance of Annual License

FEBRUARY 11, 1976.

Southern California Edison Company is the licensee of a transmission line license, Project No. 677, located in Riverside County, California.

The license for Project 677 was issued effective March 16, 1926, for a period ending March 15, 1976. In order to authorize the continued operation of the project, pending the filing of a new application and completion of Commission action thereon, it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for the continued operation and maintenance of Project No. 677.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under the Federal Power Act for the period March 16, 1976, to March 15, 1977, or until the issuance of a new license for the project, for the continued operation and maintenance of Project No. 677, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4887 Filed 2-19-76;8:45 am]

[Docket No. CP76-249]

SOUTHERN NATURAL GAS CO.**Application**

FEBRUARY 11, 1976.

Take notice that on February 5, 1976, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham,

Alabama 35202, filed in Docket No. CP76-249 an application in accordance with the provisions of Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission (Commission) issued thereunder, and Section 2.79 of the Commission's General Policy and Interpretations for a certificate of public convenience and necessity authorizing Southern to transport up to 2,400 Mcf per day of natural gas for the account of Cone Mills Company (Cone Mills) and Nabisco, Inc. (Nabisco), industrial customers served by customers of Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that Cone Mills and Nabisco have purchased a quantity of natural gas to be produced from the Bayou Bouillon Field, Iberville and St. Martin Parishes, Louisiana and that Cone Mills and Nabisco will arrange to have such quantities delivered to Southern at its Bayou Henry Receiving Station, Iberville Parish, Louisiana. Southern will redeliver the transportation volumes to Gas Gathering Corporation's (Gas Gathering) Receiving Station in Happytown Field, Iberville Parish, Louisiana, for the account of Cone Mills and Nabisco.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4888 Filed 2-19-76;8:45 a.m.]

[Docket Nos. RP76-37 and RP72-121]

SOUTHWEST GAS CORP.**Petition for Waiver**

FEBRUARY 11, 1976.

Take notice that on January 30, 1976, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Dockets Nos. RP76-37 and RP72-121 a Petition for Waiver from the provisions of Section 154.38(d)(4) of the Rules of Practice and Procedure of the Federal Power Commission (Commission).

Previously, on October 31, 1975, Applicant tendered for filing tariff sheets proposing revisions to its purchase gas adjustment (PGA) clause to permit the flow-through of changes in cost resulting from liquefied natural gas services. Applicant seeks an exemption to Section 154.38(d)(4) for the following reasons: (1) LS-1 is a peaking service and will not be used to base load Applicant's system; (2) the LNG peaking service will give Applicant additional diversity in meeting the P-1 and P-2 requirements of its transmission system; and (3) as a result, there is no customer on Applicant's system that can be singled out as buying LNG at an incremental rate.

Any person desiring to be heard or to make any protest with reference to said Petition should on or before February 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4889 Filed 2-19-76;8:45 am]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.**Issuance of Annual License**

FEBRUARY 11, 1976.

On February 12, 1970, Southern California Edison Company, Licensee for Big Creek No. 2A and No. 8 Project No. 67, located in Fresno County, California, on the San Joaquin River, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 67 was issued effective March 3, 1921, for a period ending March 2, 1971. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Act and pending Commission action on Licensee's application, it is appro-

appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 67.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under the Federal Power Act for the period March 3, 1976, to March 2, 1977, or until Federal takeover, whichever comes first, for the continued operation and maintenance of Project No. 67, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4890 Filed 2-19-76;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPELINE CORP.

Order Denying Application for Rehearing and Request for Stay

FEBRUARY 13, 1976.

By order issued December 15, 1975, we denied a Motion to Reopen Record filed by Transcontinental Gas Pipe Line Corporation (Transco) in the above-captioned proceeding. Transco's Motion stated that Article IX of the Settlement Agreement provisionally included a net unamortized amount, \$4,447,964, of non-recoverable advance payments in the cost of service pending final court review on the merits of the propriety of such inclusion or, if no decision on the merits, a reopening of the record to allow evidence on this issue. Transco alleged in its Motion that a decision on the merits had not been reached in *Transcontinental Gas Pipe Line Corporation v. FPC*, 518 F.2d 459 (C.A.D.C. 1975), which is an appeal by Transco of the Commission's orders on the rate treatment of non-recoverable advances. We stated in our order of December 15, 1975 that we believe the Court of Appeals did "address the merits of including nonrecoverable advance payments, such as those provisionally included in the settlement cost of service, in rate base and, therefore, there is no necessity for reopening the record."

Transco filed an Application for Rehearing or, in the Alternative, Request for Stay Pending Review on January 14, 1976 in which they stated the December 15, 1975 order "is premised on an erroneous interpretation of the Court's decision" in *Transcontinental*, *supra*. Transco claims that the "only plausible interpretation" is that the Court of Appeals did not address the merits of the ratemaking question of inclusion of non-recoverable advances, "but rather affirmed the Commission's orders as permissible accounting rules of general applicability." Intertwined with this contention is Transco's assertion that the Commission has never explained the rationale "for giving pipelines only" half a loaf ("viz., return of capital, but no return on capital) for prudently made and

otherwise qualified advance payments which become unrecoverable through no fault of the pipeline." Should the Commission deny rehearing, Transco requests that we grant a stay of our December 15 order because "the standards of *Virginia Petroleum Jobbers v. FPC*, 259 F.2d 291 [sic] (D.C. Cir. 1958), have been satisfied."

We have given careful consideration to the arguments raised by Transco in its Application for Rehearing and have reviewed our December 15 order in light of these arguments. We have reviewed again the decision in the *Transcontinental* case. Our conclusion remains the same. We believe the Court did reach the merits of the propriety of excluding non-recoverable advance payments from rate base. Thus the terms of Article IX have been met and there is no necessity for reopening the record.

Article IX of the Settlement Agreement in this proceeding provides for the provisional inclusion of \$4,447,964 in the settlement rate base. This amount represents the net unamortized portion of certain nonrecoverable advance payments made by Transco. This amount was included on these terms:

Such amount has been included in rate base pending final court review on the merits of the propriety of rate base treatment thereof, either in Transco's pending petition to review in No. 73-1626 in the United States Court of Appeals for the District of Columbia Circuit or, upon determination therein other than on the merits of the issue, a reopening in this proceeding . . . and the final court review in appropriate United States Court of Appeals of any final order promulgated which denies rate base treatment of such advance payment amounts.

The only question before us under the terms of Article IX is whether the decision in *Transcontinental* (which was No. 73-1626 referred to in Article IX) reached the merits of the propriety of excluding nonrecoverable advance payments amounts from rate base. We believe that the decision does reach the merits of this issue.

We do not agree with Transco's contention that "the merits of the general accounting rule, as an accounting rule *per se*" was the sole issue decided by the Court in *Transcontinental*, *supra*. To accept this contention would also be to accept the premise that the accounting rules in question operate in a vacuum. While accounting rules do not necessarily represent the proper rate treatment, the Commission's orders on advance payments have indicated that the proper accounting treatment is representative of the proper rate treatment.

For example, the Commission has recognized the parallel accounting and ratemaking treatment in its advance payments rulemakings.

Tennessee is uncertain as to whether a return will be allowed on the unamortized balances of nonrecoverable advances. It is our stated position in the fourth paragraph of page 1180 of Order

No. 441 [46 FPC 1178, 1180], that advances recorded in Account 166 may be included in rate base where such payments are reasonable, necessary and appropriate in order to contract for gas supplies by agreement executed not later than December 31, 1972. There is no provision for the inclusion in rate base of amounts that must be eliminated from Account 166. Order of Clarification and Denial of Rehearing or Modification, 47 FPC 57, 58 (1972).¹

Because the proper accounting and rate treatment are closely linked in the area of advance payments, we believe that the Court in *Transcontinental* had to deal with both aspects of our treatment of nonrecoverable advance payments in order to make its decision.

We believe that the Court of Appeals specified two possibilities for rejecting our treatment of nonrecoverable advances: Where the accounting rule was arbitrary or capricious or where the rule would necessarily lead to an unconstitutional confiscatory rate.

The effect of the accounting rules should not be viewed and analyzed piecemeal, as Transco would have us do in this case. Rather, the Commission should be free to fashion individual accounting rules unless a rule is arbitrary or capricious, or would clearly and necessarily have the effect of rendering any rate, which is based upon the rules' use, confiscatory in the constitutional sense. 518 F.2d 465.

Since these two possibilities outline the proper scope of review in this case, we believe the Court of Appeals had to reach the merits of the propriety of excluding nonrecoverable advance payments from rate base. Where, as in *Transcontinental*, the accounting and rate treatment brought about by the challenged rule are closely interrelated, we believe that the court must review both aspects before reaching its decision.

Accounting procedures are not self-justifying, like any other regulatory action of the Commission, they must reflect a rational allocation of economic rights and responsibilities between a utility's investors and consumers. The simple fact that an agency treats an item a certain way for purposes of its uniform system of accounting does not mark the end of judicial scrutiny; on the contrary, a reviewing court must assure itself that the accounting practice is consistent with underlying substantive principles of public utility law. To permit an accounting device to dictate the rule of law to permit the tail to wag the dog. To judicially accept an accounting method without inquiry as to its reasonableness is to pervert the law. *Democratic Central Committee of the District of Columbia v.*

¹ Referring to Order 441, it is clear that nonrecoverable advance payments could not be included in Account 166. "No advance may be included in Account 166 unless such advance is to be repaid in full by either delivery of natural gas or other consideration." 46 FPC at 1180.

Washington Metropolitan Area Transit Commission, 485 F.2d 786, 819-820 (footnotes omitted) (C.A.D.C. 1973).²

In our opinion, to say, as Transco has, that the Court of Appeals addressed only the accounting rule "per se" ignores the most important function of the reviewing court, to assure that the challenged order produces a result which is "just and reasonable" within the meaning of the Natural Gas Act and, therefore not confiscatory under the Constitution.³ This determination is the underlying principle of substantive law which guides the review.

Both the tenor and the discussion in the decision indicate that the emphasis of the Court was placed in determining whether the effect of our orders was to result in a confiscatory taking (i.e., rates which are not just and reasonable). It is this part of the decision which further persuades us that the decision does reach the merits of excluding nonrecoverable advance payments from rate base. The Court of Appeals established the "viewed in its entirety" standard, first stated in *FPC v. Natural Gas Pipe Line Co.*, 315 U.S. 575, 586 (1942), as the proper test for our orders. The Court's discussion under these guidelines reviews the exclusion of nonrecoverable advance payments under constitutional, statutory and judicial requirements for determining a "just and reasonable" rate. (518 F.2d, 464-465). Because it is clear the accounting rules "per se" do not result in an unconstitutional confiscation (i.e., a rate that is not just and reasonable), but will do so only when their application leads to a particular rate effect, we believe that the decision's focus on the alleged confiscatory aspect of our orders indicates further that the merits of the propriety of the exclusion from rate base of nonrecoverable advance payments were reached.

Transco has not met the heavy burden to demonstrate that Order No. 465 and the Order of Clarification result in an unconstitutional confiscation. . . . We are satisfied that the Commission's treatment of the pipelines' interest-free loans cannot fairly be assailed as unreasonable to the pipelines. 518 F.2d at 465.

The terms of Article IX of the Settlement Agreement in this proceeding specifically tie the inclusion of the settlement amount of \$4,447,964 for the net amount of the unamortized portion of certain nonrecoverable advances to the "pending petition to review in No. 73-1626 in the United States Court of Appeals for the District of Columbia Cir-

cuit," which is, of course, the *Transcontinental* case, 518 F.2d 459, to which this order has referred. We believe that the clear and proper reading of this Article is that if a decision was reached on the merits of the propriety of inclusion in rate base on nonrecoverable advance payments that the parties would be bound by that decision with regard to the \$4,447,964 provisionally included. As was stated earlier, the only question before us is whether the decision did reach the merits on this issue. We believe that it did. Accordingly, under the terms of the Settlement Agreement, a refund is due.⁴

Transco has asserted that the final paragraph of the decision justifies a reopening of the record. The last paragraph states:

Finally, if in a particular setting the FPC does impose a specific rate that because of the interplay of various accounting provisions—is not "just and reasonable," Transco could still appeal from that order despite our approval of the accounting rule for general application. 518 F.2d at 466.

In addition to the fact that we strongly believe that this decision did raise the propriety of exclusion of nonrecoverable advance payments in rate base on the merits for the reasons hereinbefore discussed and that under the specific language of Article IX Transco is now required to make refunds, we find Transco's argument on this point unconvincing. First of all, we believe that the Court of Appeals was positing a hypothetical situation, not based on the case before it, in which an appeal would be proper. Secondly, we note that Transco has stated in its Application the type of presentation it would make if the record were reopened.

Transco would propose to present testimony and evidence through expert witnesses on the proper ratemaking treatment of prudent investment which must be amortized. Transco contends that the unamortized portion of such amounts should be included in rate base. Its witness or witnesses would support that position as a general ratemaking principle and in the context of Transco's specific circumstances.

We find that this type of presentation is no different from the one Transco presented, and the Court of Appeals discussed and ruled upon, in the *Transcontinental* case. Accordingly, aside from our belief that the issue was decided on the merits, we see no purpose to be served by reopening the record here to permit a repetition of the arguments already discussed and ruled upon by the Court. As we stated in our December 15 order, "we may act by rulemaking or other means . . . to promulgate policy without being required to hold an evidentiary

hearing subsequently for each pipeline to test the applicability of the rule promulgated in their situations." (Slip opinion, 4, citations omitted.) We believe that this presents an ideal case of this statement's applicability. The merits of excluding nonrecoverable advance payments from rate base, as promulgated in our Orders, has been decided by the Court of Appeals. To hold hearings, as Transco suggests, would serve no useful purpose, but would only defeat the purpose of our rulemaking orders on this issue and unnecessarily clog the Commission's hearing schedule.

Transco has requested that should rehearing be denied, the Commission stay the effectiveness of the December 15 order. The party seeking a stay must establish: (1) there is a strong showing that it is likely to prevail on the merits of its appeal; (2) without relief, it will be irreparably injured; (3) the issuance of a stay will not substantially harm other interested parties; and, (4) the public interest requires a stay be issued. *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921, 925 (C.A. D.C. 1958). Transco has not shown that these standards have been met to require us to grant a stay.

This order and our order of December 15, 1975 in this proceeding indicate that we do not believe Transco has made a strong showing it will prevail on the merits should it appeal the question before us here. Secondly, Transco has not shown it will suffer irreparable harm should a stay be denied. Transco has indicated that it may require a substantial effort of time, energy and money to obtain a proper remedy, but it has not shown that a court would be unable to fashion an adequate remedy should Transco prevail in its appeal. A showing that substantial efforts will be necessary to obtain a remedy is insufficient to show irreparable harm will result if a stay is not granted. *Virginia Jobbers*, 259 F.2d at 925. Next, Transco indicates that its customers will not be harmed by the grant of a stay because of the refund provisions of Article IX. We agree with this. However, we believe that each of the guidelines established in *Virginia Jobbers* does not necessarily have to be met before a stay will be granted or denied. Rather, the party seeking or opposing stay must present evidence addressing each of these factors. The Commission, then, must balance the equities to determine whether to grant or deny the stay. On balance, we conclude that the facts that Transco is not likely to prevail on the merits in an appeal, that it will not suffer irreparable harm and where the public interest lies as factors for not granting a stay outweigh the fact that Transco's customers would not be irreparably harmed by the grant of a stay. Finally, we believe the public interest lies with not granting a stay because we believe a denial will assist in preventing repetitive proceedings on an issue which has already been decided and because it will allow earlier refunds to the consumers. The evidence presented by Transco to support the

² See also, *American Telephone & Telegraph Co. v. United States*, 299 U.S. 322 (1936), (cited by the Court of Appeals in *Transcontinental*, supra). "Then too, in gauging rationality, regard must be steadily be had to the ends that a uniform system of accounts is intended to promote." 299 U.S. at 237.

³ As the Court of Appeals explained, the "constitutional and statutory standards for judging the adequacy of the return to dedicated property coincide" so that a return which satisfies the Constitution is also just and reasonable under the Natural Gas Act. 518 F.2d, 464.

⁴ Transco correctly points out in its Application that the refund is comprised of the return on \$4,447,964 plus interest, rather than the literal language of our December 15 order. Transco calculates the amount of refunds to be \$556,625 plus interest.

grant of a stay is insufficient under the guidelines established by *Virginia Jobbers, supra*. Accordingly, Transco's Request for a stay should be denied.

The Commission finds: (1) Good cause exists to deny Transco's Application for Rehearing.

(2) Good cause exists to deny Transco's request for Stay.

The Commission orders: (A) Transco's Application for Rehearing or, in the Alternative Request for Stay is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4897 Filed 2-19-76;8:45 am]

[Docket No. CP76-238]

UNITED GAS PIPE LINE CO. AND CERTAIN PRODUCER RESPONDENTS Extension of Procedural Dates

FEBRUARY 13, 1976.

On February, 1976, Staff Counsel filed a motion to extend the time for filing comments, protests or responses to notice issued January 22, 1976 regarding a Motion Requesting the Commission to Institute a Show Cause Proceeding filed by Staff Counsel on January 19, 1976, in Docket No. CP76-238.

Notice is hereby given that the time for filing comments, protests or responses to the above-indicated notice is extended for all parties from February 18, 1976 to and including March 19, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4902 Filed 2-19-76;8:45 am]

FEDERAL RESERVE SYSTEM

THE FIRST NATIONAL BANCORPORATION, INC.

Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colorado, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act [12 U.S.C. § 1842(a) (3)] to acquire 80 per cent or more of the voting shares of The First National Bank of Montrose, Montrose, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act [12 U.S.C. § 1842(c) 1].

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 12, 1976.

Board of Governors of the Federal Reserve System, February 12, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4884 Filed 2-19-76;8:45 am]

GENERAL ACCOUNTING OFFICE REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 17, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 9, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of a new annual report (From No. ACR-43), Carrier Classification Form, applicable to railroads, electric railways, motor carriers of property and passengers, inland and coastal waterways carriers and freight forwarders experiencing a change in operating revenue for the preceding years which would result in reclassification of the carrier from one class to another. Data are intended to eliminate undue delays in carrier reclassification and minimize accounting system implementation problems. The new form results from revised rules adopted in the Commission's Order No. 36137, Revision of Rules on Classification of Carriers, which was the subject of public rulemaking in accordance with the Administrative Procedure Act. The report is mandatory for carriers subject to reclassification (an average of 354 carriers are classified each year) and such information will be available for use by the public. The reporting burden for carriers is estimated to average approximately one-half hour per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-4959 Filed 2-19-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY MANAGEMENT REGULATIONS [TEMPORARY REGULATION D-55]

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior

to perform all of the functions connected with the administration of lease No. GS-06B-10983, covering space located on tribal lands in Winnebago, Nebraska.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to perform all functions connected with the administration of lease No. GS-06B-10983, covering space located on tribal lands in Winnebago, Nebraska.

b. This authority shall include authority to modify and amend said lease, effect renewal options or extensions, assign and reassign the space demised, including the operation, maintenance, control, and protection thereof.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, Section 322 of the Act of June 30, 1932, (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls prescribed by the General Services Administration.

d. The Secretary of the Interior may redelegate this authority to any official or employee of the Department of the Interior.

JACK ECKERD,
Administrator of General Services.

FEBRUARY 10, 1979.

[FR Doc.76-4836 Filed 2-19-76;8:45 am]

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION F-373

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Montana Public Service Commission (Docket No. 6321) in a proceeding involving a gas rate increase application by the Great Falls Gas Company.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the respon-

sible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Service.

FEBRUARY 6, 1976.

[FR Doc.76-4837 Filed 2-19-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-18]

MONOLITHIC CATALYTIC CONVERTERS

Hearing

Notice is hereby given that the United States International Trade Commission, pursuant to the requirements of section 337(c) of the Tariff Act of 1930, as amended (88 Stat. 2053), will hold a public hearing under section 337(e) of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation No. 337-TA-18, Monolithic Catalytic Converters, commencing on Monday, March 22, 1976, at 9 a.m., e.s.t., in the Hearing Room of the U.S. International Trade Building, 701 E Street NW., Washington, D.C. The purpose of the hearing is to determine if there is reason to believe that there is a violation of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), and, if so, whether or not interim relief should be granted during the pendency of the investigation. Notice of institution of the investigation was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30879).

Issued: February 17, 1976.

By order of the Presiding Commissioner:

[SEAL] ITALO H. ABLONDI,
Presiding Commissioner.

[FR Doc.76-4955 Filed 2-19-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held on March 10, 1976 from 9:45 a.m.-5:00 p.m. and on March 11, 1976 from 9:45 a.m.-3:30 p.m. in the first floor conference room of the Shoreham Building, 806 15th Street NW., Washington, D.C.

A portion of this meeting will be open to the public on March 11 from 9:45 a.m.-12 noon on a space available basis. Accommodations are limited. There will be a discussion of the Fiscal year Guidelines and a final review in preparation for the May National Council on the Arts meeting.

The remaining sessions of this meeting on March 10 from 9:45 a.m.-5:00 p.m. and on March 11 from 1:30 p.m.-3:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommenda-

tion on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.76-4852 Filed 2-19-76;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on March 9-11 and on March 18-19, 1976 from 9:30 a.m.-6:00 p.m. in the 11th floor conference room of the Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, Na-
tional Endowment for the
Arts, National Foundation on
the Arts and the Humanities.

[FR Doc.76-4853 Filed 2-19-76;8:45 am]

NATIONAL SCIENCE FOUNDATION COMMITTEE MANAGEMENT

Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of the

National Science Foundation Advisory Council is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group:* National Science Foundation Advisory Council.

2. *Purpose:* To provide advice and counsel to the NSF Director and principal members of his staff on Foundation-wide issues which require the expertise of the many and varied disciplines and program interests represented in the Foundation.

3. *Structure:* The Council will operate principally through small task groups formed of Council members who will address broad issues of concern to the Foundation in its administration of programs in support of science, including science education. A Steering Committee, comprised of Council members and NSF staff, will assist the Chairperson in a staff capacity in planning and monitoring Council and task group activities. Task groups will prepare written reports which will be presented and discussed before the full Council before formal presentation to the Foundation.

4. *Effective Date of Establishment and Duration:* The establishment of the National Science Foundation Advisory Council is effective upon filing of the charter with the Director, NSF and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The NSF Advisory Council will continue two calendar years from the effective date.

5. *Membership:* The membership of the NSF Advisory Council shall be fairly balanced in the terms of the points of view represented and the Council's function. Membership of the Council will consist of approximately 25 persons selected for their demonstrated or potential ability to address broad issues relating to the Federal support of science. Membership will represent a cross section of the scientific disciplines and will be reasonably balanced in terms of geographic distribution, size and type of organizations represented, ethnic minorities, and sex. There will be no discrimination on the basis of race, color, national origin, religion, or sex.

6. *Advisory Group Operation:* The National Science Foundation Advisory Council will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,
Director.

FEBRUARY 17, 1976.

[FR Doc.76-4921 Filed 2-19-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 13, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearing office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

SELECTIVE SERVICE SYSTEM

Enrollment in Reconciliation Service Program, single-time, ind. desiring alternate service, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, assistance to Vietnamese and Cambodian refugees, SRS-VN/C 2040, monthly, state welfare agencies, Lowry, R. L., Special Action for Off. Drug Abuse Prevention, 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, questionnaire on the 701 work-study program (agency, university), single-time, 701 recipient agencies, universities, human resources division, Kathy Wallman, 395-3532.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs: Standard Questionnaire for Manufacturing firms, ILAB-67, on occasion, manufacturers, Evinger, S. K., 395-3710.

Bureau of International Labor Affairs: Questionnaire for Manufacturers of Stainless Steel Table, flatware, ILAB-57, single-time, manufacturers of stainless steel flatware, Evinger, S. K., 395-3710.

REVISIONS

FEDERAL RESERVE SYSTEM

Weekly Report of Condition, FR 416, weekly, largest commercial banks, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census, 1976 data collection unit test (part of 1980 decennial census of population and housing), DE 101, DE 102, single-time, households in Gallia & Meigs Counties, Ohio, George Hall, Maria Gonzalez, 395-6140.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, ES 202 (unemployment insurance) industry class supplements, BLS 3023, annually, E.S.-202 panel, Hulett, D. T., 395-4730.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

SOTDAT (source test data), on occasion, air pollution emission record, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, domestic service questionnaire, SSA-7155, on occasion, employers of domestic employees, Marsha Traynham, 395-4529.

DEPARTMENT OF THE TREASURY

Bureau of Customs, drawback entry for exported articles manufactured * * * from imported or substituted merchandise (exporters—warehouses), CF-7573, on occasion, exporters, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 76-4977 Filed 2-19-76; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 12, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearing office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency, employer mass transit incentive program for the State of New Jersey, semi-annually, employers in New Jersey, Ellett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

Bureau of Census: real property sales survey, single-time, buyers or sellers of real property, Ellett, C. A., 395-5867.

Bureau of Census:

1973 recordkeeping practices survey, S-425, S-426 S-428 (L-1), single-time, large industrial, comm., construction firms, Peterson, M. O., 395-5631.

Bureau of Census:

Reinterview for Survey of Income and Education, SIE 400, single-time, households, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:

Pilot Study for Toxoplasmosis Surveillance, CDC4.469 A&B, on occasion, individuals or physicians, Richard Elsing, 395-6140.

Office of Education:

Pre-Test for Compensatory Education Study, OE 477, 1 through 8, single-time, coordinators, teachers, principals & students, Raynsford, R., 395-3814.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration:

Driver Licensing Services Study, single-time, State motor vehicle administrators, Harry B. Sheftel, 395-5870.

Departmental and Other Rail Abandonment Study, Single-time, bus, firms on rail lines which may be abandoned, Harry B. Sheftel, 395-5870.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Consumers' Food-Related Behavior, Attitudes, and Motives, on occasion, person in household responsible for food purchase, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Family Health Center Information System, quarterly, family health center grantees, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Assessed Values, GP 33, single-time, State Officials, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration:

Maternal and Child Health Services Provided or Paid for by State or Local Official Public Health Agencies, HSM-374, annually, State Health Agencies, Caywood, D. P., 395-3443.

Maternity and Infant Care Project, Statistical Summary of Patients Served, HSM-543, quarterly, Maternity & Infant Care Projects, Caywood, D. P., 395-3443.

Health Services Administration:

Children who received physicians' services under the crippled children's program, HSM-382-1, annually children who rec. phys. serv. under crippled children's prog. Caywood, D. P., 395-3443.

Children and youth projects quarterly summary report, CB-259-H, quarterly, federally funded program of projects, Caywood D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 76-4978 Filed 2-19-76; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 11, 1976 (44

U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Departmental and other:

"System safety program for systems and associated subsystems and equipment: Requirements for." On occasion, Defense aerospace contractors, Harry B. Sheftel, Lowry, R.L., 395-5870.

Department of the Navy:

Integrated logistic support program requirements. On occasion, Defense contractors, Harry B. Sheftel, Lowry, R.L., 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for disease control:

Effects of inorganic lead on behavior and neurologic function. CDCNOSH, 0122, Single-time, Industrial workers, Ellett, C.A., 395-5867.

Center for Disease Control:

Survey of Career Systems for Disease Control Workers in State and Local Public Health Agencies, CDC 0.750, single-time, State and Local Public Health Agencies, Raynsford, R., 395-3814.

Food and Drug Administration:

Effect of Prescription Drug Information as a Function of Document Length and Tone, FDABD 0123, single-time, clinic patients, Richard Elisinger, 395-6140.

Food and Drug Administration:

ASHP/FDA Drug Shortage Monitoring Program, FDA 2925, FDA 2926, on occasion, hospital pharmacies, Caywood, D. P., 395-3443.

Office of Education:

Cooperative Education—A National Assessment Questionnaire, OE-476, 1 through 6, single-time, Students, Employers from Post-Secondary Inst., Human Resources Division, Raynsford, R., 395-3532.

Social Security Administration:

Financial Accountability Statement for Supplemental Security Income Program Interim Assistance Payments, SSA-8717, quarterly, state agencies, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-4979 Filed 2-19-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

HEARINGS

The Privacy Protection Study Commission will hold public hearings between

10:00 a.m. and 5:30 p.m. on March 11, in Room 2325 of the Rayburn House Office Building, and March 12, 1976, in Room 2168 of the Rayburn Building, Washington, D.C. The primary topic of discussion will be the Commission's proposed recommendations on Federal tax return confidentiality as described in FEDERAL REGISTER Vol. 41, No. 31.

Views of the general public as well as those of Federal, State and local agencies are invited. Parties wishing to contribute information should notify the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street NW., Washington, D.C. 20506, no later than March 3, 1976. Copies of the Commission's rules relating to public hearings are available upon request.

CAROLE W. PARSONS,
Executive Director, Privacy
Protection Study Commission.

[FR Doc.76-4932 Filed 2-19-76;8:45 am]

QUETICO-SUPERIOR COMMITTEE

ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the President's Quetico-Superior Committee will be held on March 23, 1976, at 8:30 A.M., at the Regional Forester's Office, 633 West Wisconsin Avenue, Milwaukee, Wisconsin.

The purpose of this meeting is to review and advise on management options for the Quetico-Superior Region.

The meeting will be open to the public. Persons who wish to attend should notify Charles S. Kelly, Chairman, 210 Davis Street, Evanston, Illinois (312) 475-4136.

Written statements may be filed with the Committee before or after the meeting.

Dated: February 10, 1976.

CHARLES S. KELLY,
Chairman.

[FR Doc.76-4854 Filed 2-19-76;8:45 am]

RAILROAD RETIREMENT BOARD

DETERMINATION OF QUARTERLY RATE OF EXCISE TAX

Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1976, shall be at the rate of twelve cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1976, 13.1 percent of the taxes collected under Section 3211

(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 86.9 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

R. F. BUTLER,
Secretary of the Board.

Dated: February 13, 1976.

[FR Doc.76-4876 Filed 2-19-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CANADIAN JAVELIN, LTD.

[File No. 500-1]

Suspension of Trading

FEBRUARY 12, 1976.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 13, 1976 through February 22, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4825 Filed 2-19-76;8:45 am]

OPTIONS CLEARING CORPORATION

[SR-OCC-75-3; Release No. 12100]

Order Approving Proposed Rule Changes Submitted by the Options Clearing Corporation Respecting the Admission, Suspension and Disciplining of Clearing Agency Participants

FEBRUARY 11, 1976.

On October 29, 1975, the Options Clearing Corporation ("OCC") 6150, Sears Tower, Chicago, Illinois, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, proposed changes to Article I, Section 1, Article V, Sections 1 and 2, and Article VII, Sections 1 and 5 of the OCC By-Laws and OCC Rules 211, 1102, 1110 and 1202.

In accordance with Section 19b of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (40 FR 52899, November 13, 1975) and the public was invited to comment thereon. Notice of the filing and an

invitation for comments also appeared in Securities Exchange Act Release No. 11812 on November 7, 1975. No letters of comment were received.

As described in Securities Exchange Act Release No. 11812, the rule changes, which are designed to amend OCC's By-Laws and Rules to comply with the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), include additions to the definitional section of OCC's By-Laws and Rules and changes in procedures for admission to clearing membership in OCC, notice of proposed rule changes to participants, suspensions of clearing members, disciplinary proceedings, and the rights of clearing members to appeal decisions of OCC.

On January 27, 1976, OCC submitted Amendment No. 1 to SR-OCC-75-3 withdrawing the proposed changes to Article V, Section 1 of OCC's By-Laws and revising the proposed amendments to Rules 1102 and 1202 and by letter dated February 10, 1976, submitted a technical change to Rule 1102. Amendment No. 1 and the amendments submitted by the February 10, 1976 letter were incorporated in the proposed rule changes and included in the public file.

The Commission has reviewed the proposed rule changes and finds that they are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File SR-OCC-75-3, be and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4826 Filed 2-19-76; 8:45 am]

[Release No. 34-12099; File No. SR
CSE-1976-No. 1]

CINCINNATI STOCK EXCHANGE Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 4, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Cincinnati Stock Exchange's statement of the Terms of Substance of the Proposed Rule Change.

The amendment as submitted will provide a proportional procedure for handling open orders which are quoted "ex-dividend," "ex-distribution," "ex-rights" or "ex-interest."

The Cincinnati Stock Exchange's Statement of Basis and Purpose.

The basis and purpose of the foregoing proposed rule change is as follows:

This amendment to the Trading Rules has been approved and is being submitted to the Commission in order that the Ex-

change may adopt procedures for handling open orders which will conform with the procedures now followed on the New York and Midwest Stock Exchanges. The amendment will provide for proportional procedures to be followed in the handling of orders which are to be quoted "ex-dividend," "ex-distribution," "ex-rights" or "ex-interest."

The proposed rule change is being submitted pursuant to Section 6(b)(5) to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

No comments were received.

Rule imposes no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by March 22, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 11, 1976.

[FR Doc.76-4827 Filed 2-19-76; 8:45 am]

[Release No. 34-12096; File No. SR-PSE-76-2]

PACIFIC STOCK EXCHANGE INCORPORATED

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 9, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("the Exchange") proposes to amend certain portions of the definitions relating to the rules of the Board of Governors of the Exchange. The changes are contained in Section 1 of said rules and the amended sections are set forth below with asterisks indicating portions of the Section which are to remain unchanged.

Sec. 1. Whenever and wherever used herein, unless the context requires otherwise, the following terms shall be deemed to have the meanings indicated:

(a) "Exchange" shall mean the Pacific Stock Exchange Incorporated, including all the operations of the Exchange and, when used with reference to the administration of any rule, means either the Board of Governors or the officer, employee or committee to whom appropriate authority to administer such rule has been delegated by the Board pursuant to the provisions of the Exchange Constitution.

(b) "Los Angeles" shall mean the Los Angeles offices or the Los Angeles Floor of the Pacific Stock Exchange Incorporated.

(c) "San Francisco" shall mean the San Francisco offices or the San Francisco Floors of the Pacific Stock Exchange Incorporated.

(d) * * *

(e) "Security" or "Securities" shall mean any stock, bond, note, debenture, certificate of deposit or participation, voting trust certificate, trust receipt, or any other similar interest or instrument, or any right, warrant or option to subscribe to or purchase any of the foregoing.

(f) * * *

(g) "Floor" or "Floors" shall mean any or all Trading Floors of the Pacific Stock Exchange Incorporated.

(h) * * *

(i) * * *

(j) "Member Organization" shall mean a sole proprietorship, partnership or corporation in good standing upon which a member of the Exchange has conferred the privileges of such membership.

(k) * * *

(l) "Registered Employee" shall mean any person soliciting or conducting business in securities on behalf of a member organization.

(m) "Participant" shall mean any member, allied member, partner, approved person, stockholder associate, registered employee or other full-time employee of a member organization.

(n) * * *

(o) * * *

(p) * * *

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed changes to the definitions section are intended to update and clarify the terms used throughout all the rules of the Exchange.

The proposed changes, by updating the definitions used throughout the rules of

the Exchange, relate to the Exchange's capacity to carry out the purposes of the Act and to comply, and enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder. By clarifying the provisions used throughout the rules, the changes will serve to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. By clarifying the terms used throughout the Exchange's rules, the changes will also serve to protect investors and the public interest.

Comments on the proposed changes have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 22, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 10, 1976.

[FR Doc.76-4328 Filed 2-19-76; 8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

FEBRUARY 13, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k)

of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 14, 1976 through February 23, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4951 Filed 2-19-76; 8:45 am]

[File No. 500-1]

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Suspension of Trading

FEBRUARY 13, 1976.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Stock Exchange, PBW Stock Exchange and Boston Stock Exchange, the voting preference \$1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred \$1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred \$6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5 1/2 percent convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11 percent senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 17, 1976 through February 26, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4952 Filed 2-19-76; 8:45 am]

[File No. 500-1]

HAMILTON BANCSHARES, INC.

Suspension of Trading

FEBRUARY 13, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Hamilton Bancshares, Inc. being traded otherwise than on a national se-

curities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (e.s.t.) on February 13, 1976 through February 22, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4953 Filed 2-19-76; 8:45 am]

[SR-NYSE-75-19]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Changes in the Rules of the New York Stock Exchange's Subsidiary, the Depository Trust Company

On November 28, 1975, the New York Stock Exchange, Inc. (the "NYSE"), 55 Water Street, New York, New York, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of proposed changes in the rules of the NYSE's depository subsidiary, The Depository Trust Company ("DTC"), a registered clearing agency. Thereafter a memorandum to DTC participants and two letters to the staff of the Commission were incorporated in the submission and included in File No. SR-NYSE-75-19.

The proposed rule changes amend DTC's schedule of fees. The proposed changes impose a deposit fee on participants and increase the charges to participants for Miscellaneous Delivery Orders ("MDO's"), Continuous Net Settlement ("CNS") deliveries, withdrawals of certificates in DTC's nominee name ("COD's"), maintenance of long positions of under twenty-five million shares, and deposits made to depository facilities. The proposed changes eliminate the charges to participants for settlement on CNS transactions and maintenance of long positions of over three hundred million shares and reduce the charge to an entity acting as a depository facility.

Notice of the proposed rule changes, together with the terms of substance of the proposed rule changes, was given in Securities Exchange Act Release No. 11933, (December 17, 1975) and by publication in the FEDERAL REGISTER (40 FR 59794, December 31, 1975).

Subject to review of the proposed rule changes at such time as the Commission makes the determinations required by subparagraph 17A(b)(3)(F) of the Act in connection with DTC's registration as a clearing agency in accordance with subsection (c) of Rule 17Ab2-1 under the Act, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules thereunder applicable to DTC.

It is therefore ordered, Pursuant to section 19(b) (2) of the Act, that the proposed rule changes, contained in File No. SR-NYSE-75-19, be, and hereby are, approved.

By the Commission,

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4954 Filed 2-19-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0152]

BRITTANY CAPITAL CORP.

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the Regulations governing small business investment companies (13 C.F.R. Section 107.701 (1975)), for transfer of control of Brittany Capital Corporation (Brittany), 4325 Republic Bank Tower, Dallas, Texas 75201, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

Brittany was licensed on August 4, 1969, and has a paid-in capital and paid-in surplus of \$325,000. The transfer of control is being made pursuant to an option agreement between certain stockholders (Optioners) of Brittany and Messrs. James C. Rambin and Joe M. Barclay (Optionees). Messrs. Rambin and Barclay each own 7.69 percent of Brittany's stock at present. The option agreement calls for Optionees to purchase a minimum of 167,000 additional shares of Brittany's stock at \$1.49 per share. Brittany has 325,000 shares of stock outstanding.

The Optionees intend to purchase the tendered shares through Rambin Financial Corporation, a corporation which will be owned and controlled by them. The proposed transfer of control is subject to, and contingent upon, the approval of SBA. If such approval is given the new officers and directors of Brittany will be as follows:

NAME AND TITLE

James C. Rambin, 5619 Ridgeway Circle, Dallas, Texas 75230, President, Treasurer, and Director.
Joe M. Barclay, 3616 63rd Drive, Lubbock, Texas 79413, Secretary and Director.

There will be no significant changes in Brittany's charter or general administration but it is proposed to change Brittany's name to Energy Capital Corp., and to increase the capitalization of the company in the near future. It is the intent of the new owners to emphasize investments in the energy field.

Matters involved in SBA's consideration of the application include the general business reputation and character

of Optionees, and the probability of successful operations of Brittany under their management, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than fifteen days from the date of publication of this notice, submit to SBA in writing, comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by Brittany in a newspaper of general circulation in Dallas, Texas and Lubbock, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: February 12, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.76-4842 Filed 2-19-76;8:45 am]

[License No. 09/09-0184]

GROCERS CAPITAL CO.

Issuance of a License To Operate as a Small Business Investment Company

On October 29, 1975, a Notice was published in the FEDERAL REGISTER (40 FR 50332) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBICs) for a license to operate as an SBIC by Grocers Capital Company, 6625 Washington Boulevard, Los Angeles, California 90040.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts in regard thereto, SBA has issued License No. 09/09-0184 on January 30, 1976, to Grocers Capital Company to operate as an SBIC.

Date: February 12, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.76-4843 Filed 2-19-76;8:45 am]

VETERANS ADMINISTRATION

Noncareer Executive Assignment

VETERANS ADMINISTRATION; CORRECTION

In the FEDERAL REGISTER of January 30, 1976 (FR Doc. 76-2711), appearing on page 4633, the position of Executive As-

sistant to the Administrator, Office of the Administrator, was revoked in error.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.76-4592 Filed 2-19-76;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ALL ITEMS CONSUMER PRICE INDEX

United States City Average

Pursuant to section 608(d) of the 1974 amendments to the Federal Election Campaign Act (Pub. L. 93-443, 18 U.S.C. 608(d)), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes in this notice in the FEDERAL REGISTER the fact that the United States cities average of All Items Consumer Price Index (1967=100) increased 9.1 percent from its 1974 annual average of 147.7 to its 1975 annual average of 161.2. Using 1974 as base (1974=100), the United States cities average of All Items Consumer Price Index thus increased 9.1 percent from its 1974 annual average of 100 to its 1975 annual average of 109.1.

Signed at Washington, D.C., on this 17th day of February, 1975.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.76-4933 Filed 2-19-76;8:45 am]

[TA-W-590]

CRUCIBLE INC COLT INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of the Midland, Pennsylvania plant, Crucible Inc Colt Industries, Pittsburgh, Pennsylvania (TA-W-590).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel sheet and strip, hot rolled and cold rolled, specialty steel bar produced by Crucible Inc Colt Industries, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the

date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4934 Filed 2-19-76; 8:45 am]

[TA-W-585]

DR. SCHOLL SHOE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Worker's Union on behalf of the workers and former workers of Dr. Scholl Shoe Manufacturing Co., Jefferson, Wisconsin, a Division of Dr. Scholl, Inc., Chicago, Illinois (TA-W-585). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's leather shoes produced by Dr. Scholl Shoe Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, DC 20210.

Signed at Washington, DC, this 6th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4935 Filed 2-19-76; 8:45 am]

[TA-W-587]

GREENVILLE TUBES CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Greenville Tubes Corporation, Greenville, Pennsylvania (TA-W-587). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless tubing for hot water heaters, furnaces, radiators, and medical equipment produced by Greenville Tubes Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance,

at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4936 Filed 2-19-76; 8:45 am]

[TA-W-588]

MAC ORIGINALS COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Leather Goods, Plastics and Novelty Workers Union, on behalf of the workers and former workers of Mac Originals Company, Inc., a subsidiary of Dame Belt Company, Inc., New York, New York (TA-W-588). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies handbags produced by Mac Originals Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor,

3rd St. and Constitution Ave., NW.,
Washington, D.C. 20210.

Signed at Washington, D.C., this 6th
day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4937 Filed 2-19-76; 8:45 am]

[TA-W-584]

STACKPOLE CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 4, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Radio and Machine Workers, on behalf of the workers and former workers of St. Marys and Johnsonburg, Pennsylvania plants of Stackpole Carbon Company, St. Marys, Pennsylvania (TA-W-584). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with components of slide switches produced by Stackpole Carbon Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th
day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4936 Filed 2-19-76; 8:45 am]

[TA-W-586]

WEINBRENNER SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Antigo, Wisconsin plant of Weinbrenner Shoe Co., Merrill, Wisconsin, a Division of Bata Shoe Co., Inc., Belcamp, Maryland (TA-W-586). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with casual sport shoes for men, women, and children produced by Weinbrenner Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th
day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4939 Filed 2-19-76; 8:45 am]

[TA-W-591]

WESTERN STAMPING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 6, 1976, the Department of Labor received a petition filed under

section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace and Agricultural Implement Workers of America, on behalf of the workers and former workers of Western Stamping Corporation, Jackson, Michigan (TA-W-591). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with toy cash registers and toy sewing machines produced by Western Stamping Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 1, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th
day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 76-4940 Filed 2-19-76; 8:45 am]

Employment and Training Administration

[Field Memorandum No. 43-76]

COMPREHENSIVE MANPOWER PROGRAMS AND GRANTS IMPLEMENTATION

The Comprehensive Employment and Training Act (CETA) authorizes the Secretary of Labor to grant funds to State and local governments, and to other specified parties, to act as prime sponsors of programs to provide training and employment services to persons in need of such assistance. The Act requires that, prior to granting funds to a Title I and II prime sponsor, the Secretary shall assess the performance of the grantee under the previous year's

plan in order to determine the satisfactory implementation of the plan and proper compliance with the Act and regulations. In order to carry out this responsibility in an equitable and efficient manner, uniform criteria and standard procedures for the assessment of prime sponsors' performance during Fiscal Year 1976 have been developed.

The entire text of Field Memorandum No. 43-76 is published here to inform all interested parties of the Department's implementing procedures. While these procedures are effective immediately, comments are invited and should be submitted to Mr. Pierce Quinlan, Administrator, Office of Comprehensive Employment Development, Room 6000, 6th and D Streets NW., Washington, D.C. 20213.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

Directive: Field Memorandum No. 43-76.
To: All Regional Administrators.
From: Floyd E. Edwards, Administrator, Field Operations.

Subject: Formal Performance Assessment of Prime Sponsors for Funding FY 1977 CETA Grants.

1. *Purpose:* The purpose of this field memorandum is to establish basic criteria and procedures for assessment of FY 1976 performance under titles I and II of CETA prior to designation of FY 1977 prime sponsors.

2. *Background:* Formal performance assessment of current CETA grants is required prior to approval of new fiscal year grants. Sections 105(c)(3) and 703 of the act state, in part, that the Secretary shall assess the grantee's program and activities in order to determine the satisfactory implementation of its present plan, and its compliance with the act and the regulations.

During the FY 1976 review of title I and II programs, a major area of assessment will be the accomplishment by the prime sponsor of its FY 1976 plan (including latest modifications). The context of this assessment assumes the following:

- a. A fifth quarter grant extension leading to;
- b. A FY 1977 grant to be signed on October 1, 1976, with the;
- c. Formal performance assessment serving as a basis for designating FY 1977 prime sponsors.

3. *Prime Sponsor Assessment for Funding FY 1977 Grants:* The regional offices must assess the performance of all CETA title I and II grants and notify prime sponsors in writing of the results of the formal performance assessment by June 1, 1976. The assessment will be conducted April 1, 1976, through May 31, 1976 and it will cover the first three quarters of FY 1976, with particular emphasis on the third quarter and performance trends during the fiscal year. This assessment must be completed prior to June 1, 1976, so that prime sponsors can be designated for FY 1977 (October 1, 1976) and sufficient time allowed for final development of comprehensive manpower plans. (It is assumed that preliminary planning will have been initiated no later than April 1, 1976.)

Given the importance of these assessments and the need to obtain an accurate picture of performance, the specific list of criteria in the attachment are being provided to ensure that all prime sponsors are judged on the same areas of program performance and to give prime sponsors guidance on how their programs will be assessed.

It is assumed that the formal performance assessment of prime sponsors will be the culmination of year long monitoring by the regional office and the prime sponsor. The monitoring process involves all aspects of review of performance against plan and compliance with assurances and certifications. The formal performance assessment focuses only on several key program areas which constitute part of the ongoing monitoring process. The monitoring process which is done throughout the year, therefore, must include the items provided for in the Attachment to this Field Memorandum, so that most prime sponsors should be at satisfactory performance levels by the end of the third quarter. Additionally, corrective action plans should have already been written for those programs which show deficiencies. The formal performance assessment will then be final documentation of each program's performance prior to designation of prime sponsors for FY 1977. Although this document is for the purposes described above, the regions may use the information gathered in this assessment as part of their review and approval/disapproval of prime sponsors' FY 1977 Comprehensive Manpower Plans.

To make the determinations for FY 1977 funding, the formal performance assessment will involve a review of six substantive areas of program performance. These areas are the following: Grant Management, Financial Reporting, Management Information Systems, Adherence to Regional Office Directives, Performance Indicators and Advisory Councils. Each area will be assessed individually using the cues listed therein as criteria for the assessment. The conclusion reached by the region must be supported by appropriate documentation (as determined by the region). The assessment of each subject area, and the overall assessment of the prime sponsor's performance, will be judged according to the following categories:

a. *Satisfactory performance.* Performance is satisfactory when the sponsor demonstrates that it can substantially meet the goals and objectives established in its program narrative description, the quantitative goals established in its approved plan or latest modification, and the assurances and certifications in its grant.

b. *Marginal performance.* Sponsors in this category are those whose performance is not considered satisfactory at this point but have the capability to improve and are expected to reach satisfactory performance by October 1, 1976. Corrective action plans should be developed for these sponsors by the regional offices in order to improve their programs to a satisfactory level. Additionally, marginal performance includes those sponsors whose performance is unsatisfactory but who have implemented corrective action plans and are expected to substantially improve by October 1, 1976.

c. *Unsatisfactory performance.* Sponsors in the category are those whose performance does not meet the program goals and objectives or whose corrective actions are not expected to result in significant improvement in their programs by October 1, 1976. A prime sponsor with this designation will have to improve its performance before it can be designated as a prime sponsor for next fiscal year. Since financial and management information systems and performance against the approved plan are critical to effective programs, an unsatisfactory rating in sections II, III, or V of the attachment would cause the prime sponsor's entire program to be designated unsatisfactory. Unsatisfactory ratings in two or more other subject areas in this assessment would also make the prime sponsor's overall performance unsatisfactory.

The basic assumption for this assessment is that the Federal reviewer has a basic knowledge of CETA and of the prime sponsor's program so that the reviewer will be able to make sound judgments of the program's performance. It is critically important that the RA fully and accurately document the formal performance assessment, any actions taken as a result of these reviews, and the record of corrective actions requested before and after the reviews.

4. *Action Required:* The regional offices will take the following actions:

a. Transmit this information and its Attachment to all prime sponsors. Insure that prime sponsors are aware that the Attachment will be utilized for the purposes described in this FM, and that the results will be transmitted to the prime sponsors by June 1, 1976.

b. Schedule and perform the formal performance assessments during the period from April 1, 1976, to May 31, 1976.

c. Conduct an orientation session for regional office individuals responsible for carrying out the formal performance assessment in order to insure a common understanding of the process.

d. Submit to the National Office by June 1, 1976, a listing of the prime sponsors in the region with the overall rating given to each. A justification of sponsors in the unsatisfactory category must also be provided.

5. *Inquiries.* Questions regarding this Field Memorandum should be directed to Paul Mayrand (202) 376-7247 or Mel Goldberg (202) 376-7006.

FY 1976 PRIME SPONSOR FORMAL PERFORMANCE ASSESSMENT

GENERAL INSTRUCTIONS

This attachment represents the criteria areas on which the regional offices are to assess the performance of FY 1976 CETA programs against the latest modification of the plan. Sections I-VI represent the substantive areas of assessment and section VII is the regional office summary and recommendations. The overall assessment of the prime sponsors performance will be judged according to the following categories:

1. *Satisfactory performance.* Performance is satisfactory when the sponsor demonstrates that it can substantially meet the goals and objectives established in its program narrative description, the quantitative goals established in its approved or latest modification, and the assurances and certifications in its grant.

2. *Marginal Performance.* Sponsors in this category are those whose performance is not considered satisfactory at this point but have the capability to improve and are expected to reach satisfactory performance by October 1, 1976. Corrective action plans should be developed for these sponsors by the regional offices in order to improve their programs to a satisfactory level. Additionally, marginal performance includes those sponsors whose performance is unsatisfactory but who have implemented corrective action plans and are expected to substantially improve by October 1, 1976.

3. *Unsatisfactory performance.* Sponsors in this category are those whose performance does not meet the program goals and objectives or whose corrective actions are not expected to result in significant improvement in their programs by October 1, 1976. A prime sponsor with this designation will have to improve its performance before it can be designated as a prime sponsor for the next fiscal year. Since financial and management information systems and performance against the approved plan are critical to effective programs, an unsatisfactory rating

in section II, III, or V of the attachment would cause the prime sponsor's entire program to be designated unsatisfactory. Unsatisfactory ratings in two or more other subject areas in this assessment would also make the prime sponsor's overall performance unsatisfactory.

In order to make the overall assessment, each substantive section should be individually rated according to the standards mentioned above. Documentation on which the results are based must be presented for each subject area as well as explanations or documentation for the cues. Documentation should consist of:

1. Records of any required corrective action plans developed prior to this assessment including documentation of progress.

2. Corrective action plans established as a result of this assessment.

3. Any other pertinent reports and/or correspondence to support the regional office's findings.

The cues which are listed under each substantive section are to be considered the criteria for making the assessment for each section. While there is no requirement for the Federal reviewer to indicate satisfactory, marginal or unsatisfactory after the cues, each cue must be examined separately, and an explanation and conclusion regarding performance included for each cue. The explanation should include information on any corrective action which the regional office has initiated, the date of that action, whether or not the prime sponsor has improved its program because of the corrective action, technical assistance that the regional office has provided and any other pertinent comments.

*Please note this format is presented as a guide. Regions may reformat, if desired, as long as all elements presented below are included.

I. Grant Management.

A. Is grant management by the prime sponsor generally adequate to assure internal administrative control and to affect compliance with program requirements? (98.1).

Cues:

1. Has the prime sponsor made all major and minor modifications when necessary, i.e., to reflect significant changes in the planned levels of performance or to incorporate a final title I or II allocation? (95.21, 95.22).

2. Were all RA initiated modifications accomplished on a timely basis as determined by the region? (95.22).

3. Have all planned subgrants and contracts been executed in order to implement program activities as approved in the plan? (98.27(d), 95.14(b) (2) (1) (C)).

4. Do the subgrants and contracts incorporate all applicable Federal requirements, e.g., the assurances and certifications? (98.15(a), 98.27(d)).

5. Have procedures been established by the prime sponsor to insure that all subgrantees and contractors are informed about all applicable policy changes and interpretations, on a timely basis, e.g., do they receive notification of pertinent CETA letters and regulations changes? (98.15(a), 98.27(d), 98.16(a)).

6. Are subgrantees and contractors monitored on a regular basis by the prime sponsor for program performance, e.g., management information systems and financial management and placement goals. (98.31(b), 98.31(e)).

7. If monitoring indicates deficiencies, have corrective actions and technical as-

sistance been developed by the prime sponsor including specific time frame for action? (98.31(b)(c)).

8. Have required audits been completed or scheduled for subgrantees and contractors? (98.6(e)).

9. Are there apparent problems in the organizational structure and staffing level which impede performance? This consideration may include the number of vacant positions and whether or not there is a clear division and description of responsibilities of each unit and position. (95.4(b) (3) (1) (T)).

10. Has the sponsor established and made participants aware of an informal hearings procedure for EEO and other participant complaints? (98.26).

B. Federal reviewer's assessment of grant management. This assessment should be accompanied by the appropriate documentation, as specified in the instructions, to support assessor's judgment.

II. Management Information Systems.

A. Management Information System.

Is the prime sponsor's management information system adequate to meet the required Federal reporting requirements (Sections 98.7, 98.8, and 98.9), to meet the maintenance and retention of records requirement (Section 98.18), and to meet the assessment and evaluation requirements (Sections 98.30 and 98.31)?

Cues:

1. Is a Participant Record maintained for each participant? (Sec. 98.18).

a. Is the personal identifying information, demographic characteristics and other participant information required for reporting and eligibility determination purposes complete and accurate? Is appropriate qualifying information (family income, family size, unemployed, or underemployed status) recorded for each participant? (See Note below).

b. Is there a complete record of activities in which the participant was engaged and services the participant received? (See Note below).

c. Is the termination data complete for all terminated participants? (See Note below).

Note: In order to determine a-c above, a sample check should be made of individual records.

2. Are the Program Status Summary, Monthly Progress Report, Quarterly Summary of Participant Characteristics and any additional reports required by the Secretary submitted on time in accordance with regional data requirements? (Secs. 98.7, 98.8, 98.9).

a. Are these reports accurate as originally submitted?

3. Does the prime sponsor use MIS and FMS to manage the program?

a. Are internal management reports generated? When? Who uses them?

b. Have internal evaluative procedures been established and utilized?

B. Federal reviewer's assessment of MIS. This assessment should be accompanied by the appropriate documentation, as specified in the instructions, to support assessor's judgment.

III. Financial Reporting System.

A. Does the prime sponsor's financial management system provide current, accurate financial information which is used to meet Federal reporting requirements? (Secs. 98.7, 98.8, 98.10, 98.12).

Cues:

1. Report of Federal Cash Transactions (Sec. 98.10).

(a) Is the report submitted on time and generally accurate?

(b) Is the information taken directly from the accounting records?

(c) Can the entries on the report be traced back through the accounting records to the original source documents?

(d) Has cash on hand been limited to immediate cash needs?

(e) Is there a system through which the prime sponsor obtains current, accurate information for this report from subgrantees/contractors?

2. Financial Status Report (Sec. 98.8).

(a) Is the report submitted on time and generally accurate?

(b) Is the report on an accrual basis?

(c) Is the information taken directly from the accounting records or linked by a worksheet if conversion from a cash system is involved?

(d) Are costs identified in the accounting records by:

(1) Legislative Title.

(2) Cost Category.

(3) Program Activity.

(e) Is there a system through which the prime sponsor obtains current accurate information for this report from subgrantees/contractors?

B. Federal reviewer's assessment of Financial Reporting. This assessment should be accompanied by the appropriate documentation as specified in the instructions to support assessor's judgment.

IV. Adherence to regional office directives.

A. Has the prime sponsor made adequate efforts to implement ARDM required improvements in its program responding to regional office directives including corrective action plans? (98.32, 95.31(b)).

Requirement	Action to date	Status and reason for incomplete action, if applicable
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B. Has the region identified any serious noncompliance with the required assurances and certifications? (95.14(b) (3)).

C. Federal reviewer's assessment of adherence to regional office directives. This assessment should be accompanied by the appropriate documentation, as specified in the instructions, to support the assessor's judgment.

V. Performance Indicators.

Review statistical performance data of the program year to date for prime sponsor to identify significant deviations from plan or latest modification of plan. The categories listed below are contained and defined in the FY 1976 OPCS Handbook, Chapter IX. (95.14, 98.8, 98.9).

A. Category.

Cues:

	Plan	Actual	Percent of plan	Variance
1. Current enrollment (98.8(a)):				
a. Classroom training			+15	-----
b. Classroom training, vocational education			+15	-----
c. OJT			+15	-----
d. PSE			+15	-----
e. Work experience			+15	-----
f. Other activities			+15	-----
2. Accrued expenditures (98.8(b)):				
a. Classroom training			+15	-----
b. Classroom training—vocational education			+15	-----
c. OJT			+15	-----
d. PSE			+15	-----
e. Work experience			+15	-----
f. Other activities			+15	-----
3. Entered employment rate (98.8(a))			+15	-----
4. Total entered employment (98.8(a))			+15	-----
5. Administrative cost rate (95.14, 98.41(b))			+15	-----
6. Cumulative number individuals served (98.8(a))			+15	-----
a. Classroom training			+15	-----
b. Classroom training, vocational education			+15	-----
c. OJT			+15	-----
d. PSE			+15	-----
e. Work experience			+15	-----
f. Other activities			+15	-----
7. Nonpositive termination rate (98.8(a))			+15	-----
8. Significant segments—list (95.14, 98.8(a), 98.9(b))			+15	-----
9. Cost per entered employment. (This should be considered as an indicator of serious deficiencies in the program in context with other performance indicators)	xxx	\$.....	xxx	xxx

B. For each category listed in section A above for which there is a variance in excess of 15%, as indicated, complete the following: (Use as many copies as necessary)

- Category:
- Reason(s) for Variance:
- Corrective Action Undertaken or required for variations not justified in 2 above as determined by the region.

C. Federal reviewer's assessment. This assessment should be accompanied by the appropriate documentation to support the assessor's judgment. In making this assessment, each individual category, while significant by itself, should be considered in context with the other categories—i.e., a +15% variance in accrued expenditures compared to a -15% in current enrollment may be more significant than a -15% variance in both categories. Indicate specific rationale supporting this judgment.

VI. Advisory Council.

A. Does the prime sponsor utilize the advisory council in the development and modification of its Comprehensive Manpower Plan? (Section 95.13).

Cues:

1. Is the advisory council utilized, as appropriate, in the planning process for the development of its Comprehensive Manpower Plan? (Section 95.13(b)).

Does the advisory council:

a. Advise the prime sponsor in the setting of basic goals, policies and procedures for its program? (95.13(c)(2)).

b. Make recommendations regarding program plans, and provide for continuing analyses of needs for employment, training and related services? (95.13(c)(2)).

c. Monitor and evaluate all manpower programs funded under the act and make recommendations to the prime sponsor? (95.13(c)(2)).

2. Has the prime sponsor appointed a Manpower Planning Council which is representative of the geographic area to be served? Does it include members who are representative of the participant community, community-based organizations, the employment service, education and training agencies and institutions, business, organized labor, and

where appropriate, agriculture? (Section 95.13(c)(1)).

3. Does the planning council have professional, clerical, and technical staff to serve it? (95.13(c)(3)).

B. Federal reviewer's assessment of advisory council. This assessment should be accompanied by the appropriate documentation as specified in the instructions, to support the assessor's judgment.

VII. Regional Office's overall assessment of prime sponsor based on sections I-VI above.

A. Indicate under which of the following categories the prime sponsor should be designated.

Satisfactory -----
Marginal -----
Unsatisfactory -----

B. Regional Office Action (check one).

1. Refunding on or about the beginning of the fiscal year.

2. Refunding on or about the beginning of the fiscal year, conditioned on sponsors ability to achieve marginal or satisfactory performance. (Explain) -----

3. Recommend late funding conditional upon improvement of unsatisfactory performance. -----

4. Selection of alternative prime sponsor. (Explain) -----

C. The Regional Office should provide a justification for the overall assessment which includes appropriate documentation.

[FR Doc.76-4599 Filed 2-19-76;8:45 am]

SUBCOMMITTEE ON TRAINEES OF THE FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Subcommittee on Trainees to be held on April 6, 1976, at the New Department of Labor Building, Room N-3437 A-B, 200 Constitution Av-

enue NW, Washington, D.C. The meeting will be in session from 10 a.m. until approximately 4 p.m.

The meeting is for the purpose of providing an opportunity for interested persons to present their views on the provisions of 29 CFR Part 28—Labor Standards for Trainee Programs on Federal and Federally Assisted Construction which was published under "Notices" in the FEDERAL REGISTER on November 3, 1975 (40 FR 51102).

The meeting will be open to the public to the extent that space and facilities will permit; any member of the public may file a written statement with the chairperson of the Subcommittee by March 31, 1976. Persons who have already submitted comments need not do so again as these will be considered by the Subcommittee. Persons wishing to appear before the Subcommittee to present oral statements must submit a written synopsis of their presentation to Subcommittee Chairperson Ernest G. Green, Executive Director, Recruitment and Training Program, Inc., 162 Fifth Avenue, New York, N.Y. 10010, by close of business March 19, 1976, for his consideration.

At the opening of the meeting on April 6, 1976, Chairperson Green will announce the names of those persons who will be allotted time to present their views on the subject.

Further information concerning the meeting may be obtained from Mrs. Marion M. Winters, Executive Secretary of the Federal Committee on Apprenticeship, U.S. Department of Labor, 601 D Street NW, Rm. 5434, Washington, D.C. 20213.

Signed at Washington, D.C., this 12th day of February 1976.

BEN BURDETSKY,
Acting Assistant Secretary
for Employment and Training.

[FR Doc.76-4785 Filed 2-19-76;8:45 am]

Office of the Secretary

[TA-W-398]

BENZENOID ORGANICS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-398; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act. The investigation was initiated on December 12, 1975 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing textile dyes at the Bellingham plant of Benzenoid Organics, Incorporated, Bellingham, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 845) on January 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Benzenoid

Organics, its customers, industry analysts, the Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment did not change between 1973 and 1974. Lay-offs occurred in January 1975 and company employment in 1975 on the average was 38 percent below the average for 1974.

Sales or Production, or Both, Have Decreased Absolutely. Company production declined 29 percent from 1973 to 1974 and 43 percent from 1974 to 1975. Production of intermediate dyes which constituted about 15 percent of total production was terminated in 1974.

Sales declined by 22 percent and 41 percent respectively in 1974 and 1975 from prior year levels.

Increased Imports Contributed Importantly. Imports of synthetic organic dyes like or directly competitive with the dyes produced at the Bellingham plant declined from 31 million pounds in 1972 to 24 million pounds in 1974. Imports for the first ten months of 1975 totaled 14 million pounds compared with 20 million pounds for the same period in 1974. The ratio of imports to domestic production declined from 12 percent in 1972 to 9 percent in 1974. The ratio was 7 percent for the first 10 months of 1975 compared to 10 percent for the same period in 1974.

Declines in the consumption of textiles reduced the demand for textile dyes. As a consequence larger dye manufacturers had sufficient capacity and did not have to place orders with companies like Benzenoid Organics to meet current orders for dyes.

Customers of Benzenoid which include the larger dye manufacturers indicated they reduced purchases from Benzenoid because of reduced domestic demand. They noted that domestic dyes were available at more favorable prices than imports and that the favorable price situation was reflected in higher levels of exports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with dyes for textiles produced at the Bellingham, Massachusetts plant of Benzenoid Organics, Incorporated did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C., this 3rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-4593 Filed 2-19-76; 8:45 am]

[TA-W-229]

CROSS COUNTRY CLOTHES, INCORPORATED PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-229: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sport coats at the Philadelphia plant of Cross Country Clothes, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 24, 1975 (40 FR 49827). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cross Country Clothes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production

workers at the Philadelphia plant of Cross Country Clothes increased 3 percent in 1974 from the 1973 level. Employment of production workers declined sharply in the fourth quarter of 1974 and in the first three quarters of 1975 compared to the like periods of the previous year.

Sales or Production, or Both, Have Decreased Absolutely. Total sales by Cross Country Clothes of men's suits and sport coats declined 13.3 percent from 1973 to 1974 and 24.8 percent in the first ten months of 1975 compared to the like period in 1974.

Stitching of men's suit coats and sport coats at the Philadelphia plant declined 60 percent in the fourth quarter of 1974 compared to the previous quarter. Stitching at the Philadelphia plant declined in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973, then declined slightly in 1974. In the first seven months of 1975, imports increased 131 percent compared to the same period in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sport coats increased their share of the domestic market in each year from 1971 to 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas. A major customer, accounting for over forty percent of Cross Country Clothes' sales, reduced purchases of men's suits and sport coats from Cross Country and shifted purchases to lower-priced imported suits and sport coats.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sport coats produced by the Philadelphia, Pa., plant of Cross Country Clothes, Incorporated contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework and salaried workers at the Philadelphia, Pennsylvania plant of Cross Country Clothes, Incorporated who became totally or partially separated from employment on or after November 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 28th day of January 1976.

GLORIA G. PRATT,
Director, Office of Foreign
Economic Policy.

[FR Doc.76-4594 Filed 2-19-76; 8:45 am]

[TA-W-362]

FINE CRAFT COAT CO., INC., BROOKLYN, NEW YORK**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-362: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on November 28, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sport coats at Fine Craft Coat Company, Inc., Brooklyn, New York. The notice of investigation was published in the FEDERAL REGISTER December 12, 1975 (40 FR 57879). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fine Craft Coat Company, Incorporated, their customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Fine Craft Coat Company, Inc. declined 4 percent in 1974 compared to 1973 and declined 34 percent in the fourth quarter of 1974 compared to the previous quarter. Employment declined 48 percent in the first nine months of 1975 compared to the first nine months of 1974. Average weekly hours worked by production workers at Fine Craft declined 3 percent in 1974 from 1973 and 25 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of men's suit coats and sport coats at Fine Craft declined 20 percent from 1973 to 1974 and declined 25 percent in the first nine

months of 1975 compared to the first nine months of 1974.

The value of sales by Fine Craft declined 14 percent from 1973 to 1974 and declined 50 percent in the first nine months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Imports of boys' and men's suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively in 1972 to 9.0 percent and 9.9 percent, respectively in 1974. The imports to production ratio rose from 8.7 percent in the first nine months of 1974 to 19.9 percent in the first nine months of 1975.

Imports of men's and boys' sportcoats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively in 1972 to 18.2 percent and 22.3 percent, respectively in 1974. The imports to production ratio increased from 24.6 percent in the first nine months of 1974 to 41.9 percent in the first nine months of 1975.

Evidence developed during the Department's investigation indicates that employment and production at Fine Craft Coat Company have been affected by imports. The major customer of one of the companies who give contract work to Fine Craft, accounting for approximately 90 percent of Fine Craft's sales, reduced their purchases of domestically-produced men's suits and sport coats in favor of lower-priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at Fine Craft Coat Company, Incorporated, Brooklyn, New York, contributed importantly to the total or partial separation of the workers at that plant.

In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers at Fine Craft Coat Company, Incorporated, Brooklyn, New York, who become totally or partially separated from employment on or after November 18, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 3rd day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-4595 Filed 2-19-76; 8:45 am]

[TA-W-592]

FORD MOTOR CO.**Amendment of Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 221(a) of the Trade Act of 1974 and 29 CFR 90.12,

on December 18, 1975, the Acting Director of the Office of Trade Adjustment Assistance issued a Notice of Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to certain workers and former workers of the Ford Motor Company (TA-W-483-516). The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1342).

Upon the request of the petitioner therein, that notice is hereby amended to include the workers and former workers of the Ford Motor Company Plant located at Indianapolis, Indiana (TA-W-592).

Signed at Washington, D.C., this 11th day of February 1976.

MARVIN M. FOCKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-4596 Filed 2-19-76; 8:45 am]

[TA-W-593]

GENERAL MOTORS CORP.**Amendment of Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 221(a) of the Trade Act of 1974 and 29 CFR 90.12, on December 18, 1975, the Acting Director of the Office of Trade Adjustment Assistance issued a Notice of Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to certain workers and former workers of the General Motors Corporation (TA-W-499-482). The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343).

Upon the request of the petitioner therein, that notice is hereby amended to include the workers and former workers of the General Motors Corporation Plant located at Grand Rapids, Michigan (TA-W-593).

Signed at Washington, D.C., this 11th day of February 1976.

MARVIN M. FOCKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-4597 Filed 2-19-76; 8:45 am]

[TA-W-369]

HERDA CONTRACTING CO.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-369: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at

Herda Contracting Company, Long Island City, New York, a division of Brookfield Clothes, Incorporated, Long Island City, New York.

The notice of investigation was published in the *FEDERAL REGISTER* on December 22, 1975 (40 FR 59273). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Herda Contracting Co., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Herda Contracting declined 1 percent in 1974 compared to 1973. The average number of production workers then increased 1 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Herda Contracting is a division of Brookfield Clothes. Brookfield does not maintain separate sales and production records for each division. Total sales and production at Brookfield declined 14 percent and 28 percent, respectively, in 1974 compared to 1973 and declined 4 percent and 3 percent, respectively, in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of boys' and men's suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively, in 1972 to 9.0 percent and 9.9 percent, respectively, in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and

17.1 percent, respectively, in 1972 to 18.2 percent and 22.3 percent, respectively, in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Brookfield sells all suit coats and sportcoats stitched by Herda Contracting as well as its other division that also stitches men's suit coats and sportcoats. When orders to Brookfield decreased in 1974 and 1975, not all divisions were affected to the same degree. Employment at Herda remained virtually unchanged while employment at Brookfield's other stitching division declined in both 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced by Herda Contracting Company, Long Island City, New York did not contribute importantly to the total or partial separation of workers at that firm.

Signed at Washington, D.C., this 3rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-4598 Filed 2-19-76;8:45 am]

LEGAL SERVICES CORPORATION

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on Friday, March 5 and Saturday, March 6, 1976 in Room AB of the Quality Inn Motel, Thomas Circle, Washington, D.C. The meeting will begin at 9 a.m. on both days.

The Board will hear reports from its committees and the President of the Corporation and may adopt proposed regulations to be published for comment. The Board will consider the implementation of Section 1006(a)(3) of the Act.

The meeting is open to the public.

THOMAS EHRLICH,
President.

FEBRUARY 19, 1976.

[FR Doc.76-5114 Filed 2-19-76;10:32 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 14]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 13, 1975.

The following applications are governed by Special Rule 1100 247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the Federal Register issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedures, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral

hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2229 (Sub-No. 192), filed January 12, 1976. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Gary L. Johnson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Clayton, Cobb, De Kalb, Fulton, Gwinnett, Henry and Rockdale Counties, Ga., as off-route points in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 2962 (Sub-No. 58), filed December 29, 1975. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between the junction of U.S. Highway 41 and Interstate Highway 64, located at or near Stacer, Ind., and Mt. Vernon, Ill., as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points: From the junction of U.S. Highway 41 and Interstate Highway 64, located at or near Stacer, Ind., over Interstate Highway 64 to Mt. Vernon, Ill., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 15735 (Sub-No. 27), filed February 4, 1976. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, Ill. 60680. Applicant's representative: David P. Christianson, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: (A) *New furniture, uncrated, new furnishings, uncrated, and new appliances, uncrated, pianos and accessories and parts, incidental to the commodities described herein which are shipped in the same vehicle and at the same time with such commodities*; (B) *new store and office fixtures, uncrated, and accessories and parts, incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein*; and (C) *new kitchen and institutional fixtures and equipment, uncrated, and accessories and parts, incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein*, (1) between points in California and Oregon, and (2) between points in California and Oregon, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, California.

No. MC 27817 (Sub-No. 122), filed January 16, 1976. Applicant: H. C. CABLER, INC., R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods), from the plantsite and storage facilities of Knouse Foods, Inc., located in Adams and Franklin Counties, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the above origins and destined to the above-named states.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 29555 (Sub-No. 86), filed December 18, 1975. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Albert Lea, Minn. and Sioux City, Iowa: From Albert Lea, Minn. over Interstate Highway 90 (also U.S. Highway 16) to junction Minnesota Highway 60, thence over Minnesota Highway 60 to the Iowa-Minnesota State Boundary line, thence over Iowa Highway 60 to junction U.S. Highway 75, thence over U.S. Highway 75 to Sioux City, Iowa and return over the same route, serving no

intermediate points; (2) between Fort Dodge, Iowa and Sioux City, Iowa: From Fort Dodge, Iowa over U.S. Highway 20 and return over the same route, serving no intermediate points; (3) between Fort Dodge, Iowa and junction U.S. Highways 6 and 169: From Fort Dodge, Iowa over U.S. Highway 169 to junction U.S. Highway 6 with service at junction of U.S. Highways 6 and 169 for purposes of joinder only, and return over the same route; (4) between Fort Dodge, Iowa and junction U.S. Highway 169 and Interstate Highway 80: From Fort Dodge, Iowa over U.S. Highway 169 to junction Interstate Highway 80 with service at junction U.S. Highway 169 and Interstate Highway 80 for purposes of joinder only, and return over the same route; and (5) between Fort Dodge, Iowa and Council Bluffs, Iowa: From Fort Dodge, Iowa over U.S. Highway 169 to junction Interstate Highway 80 and U.S. Highway 169, thence over Interstate Highway 80 to Council Bluffs, Iowa and return over the same route, serving no intermediate points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis-St. Paul, Minn., Des Moines, Iowa or Omaha, Nebr.

No. MC 44735 (Sub-No. 26), filed January 14, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, from the facilities of Nucor Steel Division of Nucor Corporation located at or near Norfolk, Nebr., to points in Kansas, Missouri, and Oklahoma, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation located at or near Norfolk, Nebr., and destined to the named destinations.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 45194 (Sub-No. 16), filed November 17, 1975. Applicant: LATTAVO BROTHERS, INC., P.O. Box 820, 500 Cleveland Avenue N., Canton, Ohio 44701. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between points in Ohio, on the one hand, and, on the other, applicant's authorized regular route points in Ohio. The purpose of this filing is to eliminate the gateway at Cleveland, Ohio and its commercial zone, (b) between points in that part of West Virginia on and north of U.S. Highway 40, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a

line beginning at Erie, and extending along Pennsylvania Highway 8 to Pittsburgh, thence along Pennsylvania Highway 88 to Point Marion, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State Boundary line, and applicant's authorized regular route points in the State of Pennsylvania. The purpose of this filing is to eliminate the gateways at applicant's regular route points in Ohio along the Ohio-Pennsylvania-West Virginia borders lying generally between Youngstown, Ohio and East Liverpool, Ohio; and

(2) *Iron and steel articles, contractors, and builders' supplies and equipment, and building and construction materials* (except commodities in bulk), between points in West Virginia, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at Erie, and extending along Pennsylvania Highway 8 to Pittsburgh, thence along Pennsylvania Highway 88 to Point Marion, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State Boundary line, and applicant's authorized regular route points in the State of Pennsylvania. The purpose of this filing is to eliminate the gateways at applicant's regular and irregular route points in Ohio along the Ohio-Pennsylvania-West Virginia borders lying between Youngstown, Ohio and East Liverpool, Ohio as well as Neville Island; Coraopolis; Washington and Beaver Falls, Pennsylvania; Pennsylvania Turnpike Interchange No. 3; junction U.S. Highways 30 and 22 in Allegheny County, Pennsylvania.

NOTE.—The purpose of this authority is to eliminate applicant's regular and irregular route points in Ohio along the Ohio-Pennsylvania-West Virginia State Boundary lines lying generally between Youngstown and East Liverpool, Ohio, as well as Neville Island, Coraopolis, Washington and Beaver Falls, Pa.; Pennsylvania Turnpike Interchange No. 3 and junction U.S. Highways 30 and 22 in Allegheny County, Pa. Applicant seeks irregular route authority which would be joined with its regular route authority in performing service between points in Ohio, Pennsylvania and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 55896 (Sub-No. 49), filed January 16, 1976. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in the United States in and east of Colorado, Nebraska, North Dakota, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 61440 (Sub-No. 153), filed January 14, 1976. Applicant: LEE WAY

MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and storage facilities of Amoco Chemicals Corporation located at or near Chocolate Bayou, Tex. as an off-route point in connection with carriers otherwise authorized operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 65701 (Sub-No. 3), filed January 14, 1976. Applicant: ANDUJAR TRUCKING CORP., 200 Fieldmere Street, Elmont, N.Y. 11003. Applicant's representative: John L. Alfano and Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail supermarkets and food stores (except in bulk), from the facilities of Mid-Eastern Cooperative, Inc., at Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, under contract with Mid-Eastern Cooperative, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 73165 (Sub-No. 374), filed January 14, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage lift stations and parts, attachments and accessories* for sewage lift stations, from Tomah, Wis., to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of commodities in (1) above (except in bulk), from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin to Tomah, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 73165 (Sub-No. 375), filed January 16, 1976. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 N. 33rd St., Birmingham, Ala. 35202.

Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Eads, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Birmingham, Ala.

No. MC 73165 (Sub-No. 376), filed January 15, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers, and fluid coolers, and parts and accessories*, for cooling towers and fluid cooling towers and fluid coolers, between Houston, Tex., Henderson, Ky., Tulsa, Okla., and points in Sonoma County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities in (1) above (except in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Los Angeles, Calif.

No. MC 74321 (Sub-No. 119), filed January 7, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Off-highway vehicles and parts, attachments and accessories* thereof, from points in Ottawa County, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the production and distribution of the commodities specified in (1) above, from points in the United States (except Alaska and Hawaii), to points in Ottawa County, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 78400 (Sub-No. 45), filed November 7, 1975. Applicant: BEAUFORT TRANSFER COMPANY, a Corporation, P.O. Box 151, Gerald, Mo. 63037. Applicant's representative: John E. Burruss, Jr., Central Trust Building, P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods): (1) *Between Jefferson City, Mo., and Reform, Mo.: From Jefferson City, Mo., over U.S. Highway 54 to junction Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to*

junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane and Portland, Mo., and the off-route point of the facilities of Union Electric Company at or near Reform, Mo.; (2) between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo., and the off-route point of the facilities of Union Electric Company at or near Reform, Mo.;

(3) between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway County Route CC, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only; (4) between junction U.S. Highway 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94: From junction U.S. Highway 54 and Callaway County Route C over Callaway County Route C to junction Missouri Highway 94, and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only; (5) between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route serving Readsville, Mo., as an intermediate point, and the termini for the purpose of joinder only; (6) between junction Interstate Highway 70 and Missouri Highway 19 and junction Missouri Highway 19 and Callaway County Route D: From junction Interstate Highway 70 and Missouri Highway 19 over Missouri Highway 19 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, and return over the same route, serving Rhineland, Mo., as an intermediate point and the termini for the purpose of joinder only; and (7) between Hermann, Mo., and junction Missouri Highway 19 and Missouri Highway 94: From Hermann, Mo., over Missouri Highway 19 to junction Missouri Highway 94 and return over the same route, serving no intermediate points and serving the termini for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be heard on a consolidated record with Beaufort Transfer Company, MC 78400; Niedergeser Truck Line, Inc., MC 59306; Midland Truck Lines, Inc., MC 21227; Orscheln Bros. Truck Lines, Inc., MC 49387 (Sub-No. 45); Scheer Transfer

Company, MC 3978 (Sub-No. 6); and St. Louis-Kansas City Express, Inc., MC 32838 (Sub-No. 18) at either Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 80428 (Sub. No. 91), filed January 2, 1976. Applicant: MCBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Containers and container ends, (a) from the facilities of Reynolds Metals Company at or near Newburgh, N.Y., to Baltimore, Md., Newark, Woodbridge, and Paterson, N.J., and Latrobe, Wilkes-Barre, and Fogelsville, Pa.; and (b) from the facilities of Reynolds Metals Company at or near the town of Walkkill (Orange County) and Warwick, N.Y., to Fogelsville, Pa., restricted in (a) and (b) above the transportation of traffic originating at the above-named origins or destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 100449 (Sub-No. 59), filed January 19, 1976. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Fort Dodge, Iowa, to points in Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 104523 (Sub-No. 62), filed January 16, 1976. Applicant: HUSTON TRUCK LINE, INC., 235 Maple St., P.O. Box 87, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Barite, from Missoula, Mont., to points in Colorado, Kansas, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 105733 (Sub-No. 55), filed January 16, 1976. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buta-

diene, in bulk, from points in Gloucester County, N.J., to Cheswold, Del.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106603 (Sub-No. 147), filed January 16, 1976. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board, plywood, accessories and materials used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 106674 (Sub-No. 185), filed January 14, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Patrick E. Quinn, P.O. Box 32028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic foam insulation panels, from Joliet, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 106920 (Sub-No. 62), filed January 8, 1976. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, from Charleston, W. Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 107107 (Sub-No. 446), filed January 12, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave. (LeJeune Rd.), Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic articles, in vehicles equipped with mechanical refrigeration, from Hialeah, Fla., to points in Alabama, Arkansas, Connecticut, Delaware,

Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 107295 (Sub-No. 799), filed January 12, 1976. Applicant: PRE-FAB TRANSIT, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1144), filed Dec. 22, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meta chloro methyl benzoate*, in bulk, in tank vehicles, from Chattanooga, Tenn. to West Helena, Ark.; and (2) *methyl 3 chloro S nitro benzoate*, in bulk, in tank vehicles, from West Helena, Ark. to Mount Pleasant, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 166), filed January 12, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Bldg., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polyethylene film packaging products* in packages or cartons, from the plantsites and warehouse facilities of Eva-Lee, Inc., and U.S. Plastics Corp., located at or near Lynn, Mass., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Washington, D.C.

No. MC 111170 (Sub-No. 226), filed January 7, 1976. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid or dry waste materials*, in bulk, to be recycled or reused, in tank vehicles, from points in the United States (except Alaska and Hawaii), to points in Union County, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 111302 (Sub-No. 84), filed January 5, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Knoxville, Tenn. and points within miles thereof, to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 111729 (Sub-No. 595), (Correction), filed December 3, 1975, published in the FEDERAL REGISTER issue of January 22, 1976, republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment, and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), between points in Colorado and Wyoming. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment; and (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, on any one day.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. Applicant holds contract authority in MC 112750 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 112148 (Sub-No. 59), filed December 18, 1975. Applicant: WORSTER-IOWA, INC., R.D. No. 1 Gay Road, North

East, North East, Pa. 16428. Applicant's representative: Joseph P. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of Gerber Products Company located at or near Fremont, Mich., to points in that part of Minnesota on, east, and south of a line beginning at the Iowa-Minnesota State Line and extending along U.S. Highway 59 to Worthington, Mich., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Willmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State Line, and to points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State Line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, and thence along U.S. Highway 41 to Lake Michigan at Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 314), filed January 16, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Talahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Washington County, Ala., to Pascagoula, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Mobile, Ala.; Atlanta, Ga.; or Washington, D.C.

No. MC 112750 (Sub-No. 324), filed January 12, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russel S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, from Crossett, Demott, El Dorado, Eudora, Hamburg, Monticello, and Strong, Ark., to Monroe, La., under a continuing contract with Ouachita National Bank.

NOTE.—Applicant holds common carrier authority in MC 111729 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Shreveport or Baton Rouge, La.

No. MC 113531 (Sub-No. 1), filed Jan. 14, 1976. Applicant: B & M SERVICE, INC., Box 888, Rangely, Colo. 81648. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street

Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in or in connection with, the discovery, development, processing, storage, production, refining, manufacture, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, equipment, materials and supplies*, used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main or truck pipelines), between points in Garfield, Grand, Gunnison, Mesa, Rio Blanco, and Routt Counties, Colo., on the one hand, and, on the other, points in Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Salt Lake City, Utah.

No. MC 114211 (Sub-No. 256), filed January 9, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles Singer, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; and *machinery and equipment* for heating, cooling, conditioner, humidifying, dehumidifying and moving of air, gas, or liquids and parts, from points in Monroe, Perry, Randolph, and St. Clair Counties, Ill., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to points in Monroe, Perry, Randolph, and St. Clair Counties, Ill., restricted to shipments originating at or destined to the plantsites, warehouses, and facilities of the Singer Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with other similar applications, at Chicago, Ill. or Washington, D.C.

No. MC 114290 (Sub-No. 80), filed January 12, 1976. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Ave., Portland, Ore. 97202. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, in containers, from San Diego, Calif. to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 114486 (Sub-No. 34), filed January 12, 1976. Applicant: AUTREY F. JAMES, doing business as A. F.

JAMES TRUCK LINE, 107 Lelia St., Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products and fittings* therefor, (a) from Bessemer, Ala., to points in Illinois, Iowa, Minnesota, and Nebraska; and (b) from Saspanco, Tex., to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma; (2) *clay and clay materials and supplies* used in the manufacture of compounds produced and distributed by clay manufacturers, from Moundsville and New Martinsville, W. Va., to Piney Point (Manatee County), Fla.; and (3) *silica sand*, from Elco, Ill., to Piney Point (Manatee County), Fla., under a continuing contract or contracts in (1), (2) and (3) above with W. S. Dickey Clay Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 114632 (Sub-No. 84), filed January 14, 1976. Applicant: APPLE LINES, INC., 212 S.W. Second, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces therefrom*, from points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, to points in Illinois and Wisconsin.

NOTE.—Applicant holds contract carrier authority under No. MC 129708, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 115311 (Sub-No. 184), filed Jan. 14, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and equipment; tractor attachments; engines; and grain drying, storage and handling equipment*, from the plantsite and storage facilities of Long Manufacturing, N.C., Inc., at or near Tarboro, N.C., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115994 (Sub-No. 14), filed December 29, 1975. Applicant: FIDERAK TRUCKING, INC., Lafayette Street, R.D. 2, Tamaqua, Pa. 18252. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne and Schuylkill Counties, Pa.,

to points in Connecticut, Massachusetts, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Allentown or Philadelphia, Pa.

No. MC 116763 (Sub-No. 330), filed January 15, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Elgin, Iowa to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 116763 (Sub-No. 331), filed January 15, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, catalogs or catalog sections, newsprint, paper printing, books and book papers*, not cut to page size, *steel and paper cores, printed matter, magazines, periodicals, and raw paper stock*, from Jonesboro, Ark., and Senatobia, Miss., to Texas and points in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 116763 (Sub-No. 332), filed January 16, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats*, from Mobile, Ala., to points in Delaware, Illinois, Indiana, New Jersey, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117165 (Sub-No. 39), filed January 16, 1976. Applicant: ST. LOUIS FREIGHT LINES, INC., 1000 Michigan Ave., P.O. Box 128, St. Louis, Mich. 48880. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in the United States in

and east of Colorado, Nebraska, North Dakota, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 118468 (Sub-No. 44), filed January 14, 1976. Applicant: UMTUN TRUCKING CO., a Corporation, 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plantsite of Johns-Manville Sales Corporation, at or near Wilton, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota, restricted against the transportation of commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with Johns-Manville Sales Corporation.

NOTE.—Applicant holds common carrier authority in MC 124813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 335), filed January 12, 1976. Applicant: BEAVER TRANSPORT CO., a Corporation, I-94 & County Highway C, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (canned or prepared), from Fremont, Mich., to points in that part of Minnesota on, east, and south of a line beginning at the Iowa-Minnesota State Boundary line and extending along U.S. Highway 59 to Worthington, Minn., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Willmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State Boundary line (except points in the Minneapolis-St. Paul, Minn. Commercial Zone), and that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State Boundary line and extending along U.S. Highway 12 to intersection Wisconsin Highway 29, thence along Wisconsin Highway 29 to intersection U.S. Highway 45, thence along U.S. Highway 45 to intersection U.S. Highway 41, and thence along U.S. Highway 41 to Lake Michigan at Milwaukee, Wis.

NOTE.—Common control may be involved. Duplicate authority may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123054 (Sub-No. 14), filed January 14, 1976. Applicant: R & H CORPORATION, 295 Grand Avenue, P.O. Box 469, Clarion, Pa. 16214. Applicant's representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa. 15219.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and materials and supplies* used in the manufacture of glass containers (except materials and supplies in bulk), between Elmira, N.Y., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, Pa.

No. MC 123407 (Sub-No. 283), filed December 24, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro-Alloys*, from the facilities of The Ferro-Alloy and Mining and Metals Divisions of the Union Carbide Corporation located at or near Alloy, W.Va.; Ashtabula, and Marietta, Ohio; and Sheffield, Ala., to points in Michigan, Minnesota and Wisconsin; (2) *Iron ore*, from the facilities of the U.S. Steel Corporation located at or near Monongahela, Pa., to points in Michigan, Minnesota, and Wisconsin; (3) *Foundry sand*, (a) from the facilities of the American Colloid Company located at or near Columbus, Ohio, and Granite City, Ill., to points in Michigan, Minnesota and Wisconsin; (b) from the facilities of the Northwest-International located at or near Burnsville, N.C., and Hamilton, Wash., to points in Michigan, Minnesota, and Wisconsin; (c) from the facilities of the Ottawa Silica Company located at or near Ottawa, Ill., to points in Michigan, Minnesota, and Wisconsin; and (d) from the facilities of the Martin Marietta Corporation at or near Portage, Wis., to points in Michigan, Minnesota, and Wisconsin; (4) *Crushed stone*, from the facilities of the Firegan Sales Company at or near Sioux Falls, S. Dak., to points in Michigan, Minnesota, and Wisconsin; (5) *Sand, ground or pulverized*, (a) from the facilities of the Independent Gravel Company at or near Webb City, Mo., to points in Michigan, Minnesota, and Wisconsin; and (b) from the facilities of the Ottawa Silica Company at or near Ottawa, Ill., to points in Michigan, Minnesota and Wisconsin; (6) *Clay and clay mixtures*, from the facilities of the American Colloid Company at or near Belle Fourche, S. Dak.; Upton, Wyo.; Aberdeen, Miss.; Letohatchee, Miss.; Granite City, Ill.; Columbus, Ohio; Albion, Mich.; and Neenah, Wis., to points in Michigan, Minnesota, and Wisconsin;

(7) *Fireclay and firebrick*, (a) from the facilities of the Illinois Clay Products Division at or near Goose Lake, Ill., to points in Michigan, Minnesota, and Wisconsin; (b) from the facilities of the Cedar Heights Clay Company at or near Oak Hill, Ohio, to points in Michigan, Minnesota, and Wisconsin; (8) *Sand or crushed stone mixed with clay*, from the facilities of the Dixie Clay Company located at or near Jacksonville, Ala., to

points in Michigan, Minnesota, and Wisconsin; (9) *Coated sand*, (a) from the facilities of Manley Brothers located at or near Troy Grove, Ill., to points in Michigan, Minnesota, and Wisconsin; and (b) from the facilities of the Atwater General located at or near Berlin, and Menomonee Falls, Wis., to points in Michigan, Minnesota, and Wisconsin; (10) *Zircon ore and staurolite*, (a) from the facilities of E. I. DuPont Company at or near Starke, Fla., to points in Michigan, Minnesota, and Wisconsin; and (b) from the facilities of the Continental Minerals Processing Company at or near Cincinnati, Ohio, to points in Michigan, Minnesota, and Wisconsin; (11) *Metal abrasives*, from the facilities of the Pangborn Division located at or near Butler, Pa., and Mansfield, Ohio, to points in Michigan, Minnesota, and Wisconsin; (12) *Fly ash*, from the facilities of the Detroit Edison Company located at or near Detroit, Mich., to points in Michigan, Minnesota, and Wisconsin; (13) *Silicon carbide*, from the facilities of the General Abrasives Company located at or near Niagara Falls, N.Y., to points in Michigan, Minnesota, and Wisconsin; (14) *Silicon carbide*, from the facilities of Gano-Moore Company located at or near Niagara Falls, N.Y., to points in Michigan, Minnesota, and Wisconsin; (15) *Carbon raiser*, from the facilities of the Asbury Graphite Company of California located at or near Oakland and Rodeo, Calif., to points in Michigan, Minnesota, and Wisconsin; and (b) from the facilities of the Penn-Rilton Company located at or near West Elizabeth, Pa., to points in Michigan, Minnesota, and Wisconsin; and (16) *Graphite*, from the facilities of the Cummings-Moore Graphite Company located at or near Detroit, Mich., to points in Michigan, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 285), filed January 16, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts and accessories*, from Yazoo City, Miss.; Glencoe, Minn.; Bloomington, Ill.; Lockney, Tex.; Forrest City, Ark.; and Louisville, Ky., to points in Illinois, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125433 (Sub-No. 67), filed January 12, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Arizona,

Colorado, New Mexico and Utah, to points in Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Albuquerque, N. Mex.

No. MC 126276 (Sub-No. 145), filed January 15, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, with or without metal ends, from West Chicago, Ill., to Kansas City, Kans.; Detroit and Ferndale, Mich.; Minneapolis, Fridley and Roseport, Minn.; Omaha, Nebr.; Milwaukee, Wis., and points in Indiana, Missouri and Ohio, under a continuing contract or contracts with Boise Cascade Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126555 (Sub-No. 40), filed January 15, 1976. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, from points in Colorado, Illinois, Minnesota and Wisconsin to points in Colorado, South Dakota and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Rapid City, S. Dak.

No. MC 126899 (Sub-No. 91), filed January 15, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material*, when shipped with malt beverages; and (2) *empty malt beverage containers*, on return, from Dubuque, Iowa, to Cincinnati, Columbus, and Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dubuque, Iowa or St. Louis, Mo.

No. MC 126904 (Sub-No. 15), filed January 12, 1976. Applicant: H. C. PARRISH TRUCK SERVICE, INC., RFD No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, Clayton, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers*, for air, gas or liquids, *machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *parts, ma-*

terials, equipment and supplies, used in the manufacture, distribution, installation or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry and St. Clair Counties, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., St. Louis, Mo., or Chicago, Ill.

No. MC 127705 (Sub-No. 46), filed January 14, 1976. Applicant: KREYDA BROS. EXPRESS, INC., P.O. Drawer 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and materials and supplies*, used in the manufacture of glass containers (except such materials and supplies in bulk), between Elmira, N.Y., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133119 (Sub-No. 82), filed January 16, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Yellowstone County, Mont.; King County, Washington; and Fresno, San Francisco, Alameda, Los Angeles and Orange Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Sioux City, Iowa.

No. MC 133119 (Sub-No. 83), filed January 16, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except commodities in bulk), (a) from Clark, S. Dak., to points in California, Kentucky, Nevada and Utah; (b) from Clark, S. Dak., to Sioux Falls, S. Dak.; and (c) from Sioux Falls, S. Dak., to points in Ala-

bama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 133965 (Sub-No. 5), filed December 15, 1975. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soil sealers*, in bulk, from points in Manicopa County, Ariz., to points in the United States (except Alaska and Hawaii); and (2) *fire retardant*, in bulk, from points in Arizona, to points in New Mexico, and points in and south of San Luis Obispo, Kern and San Bernardino Counties, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Phoenix, Ariz. or Los Angeles, Calif.

No. MC 134472 (Sub-No. 7), filed January 7, 1976. Applicant: RICHARD KUSTERMAN, doing business as KUSTERMAN TRUCK SERVICE, R.R. No. 2, Highland, Ill. 62249. Applicant's representative: Robert T. Lawley, 300 Reichs Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *cocoa, chocolate milk powder, containers, fruit and fruit drink concentrates, bottle fruit drinks, flavored syrups, frozen fruits, nuts, frozen juice concentrates, canned fruits, corn sugar, frozen eggs, and starch*, in containers, in vehicles equipped with mechanical refrigeration, between Bridgeton, Mo., on the one hand, and, on the other, points in Illinois, under contract with Consolidated Fruit & Flavor Corp.; and (2) *cheese*, in containers, in vehicles equipped with mechanical refrigeration, from Carthage, Mo., to Granite City, Ill. under contract with P.F.D. Supply Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 134820 (Sub-No. 6), filed January 12, 1976. Applicant: ROBERT ALBRIGHT, 2212 1st Avenue South, Seattle, Wash. 98134. Applicant's representative: Robert Albright (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Decorative brick wall coverings, adhesives and sealants*, between shipper plantsites located at Woodinville, Wash. and Fort Wayne, Ind., and customer locations at Seattle, Wash.; Portland, Oreg.; Missoula, Great Falls, and Billings, Mont.; Bismarck and Fargo, N. Dak.; Minneapolis-St. Paul, Minn.; Milwaukee, Wis.; Pocatello, Idaho; Wichita, Kans.; Kansas City, Mo.; Fernley, Neb.; and San Francisco, Stockton, Los Angeles and

San Diego, Calif., under a continuing contract or contracts with VMC Corporation (Z-Brick).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134838 (Sub-No. 15), filed January 14, 1976. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Archie B. Clubb, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross-ties*, treated and untreated, between points in Alabama and Mississippi, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 135691 (Sub-No. 11), filed January 15, 1976. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, Tex. 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric and pneumatic tools, and advertising materials, premiums, racks, display cases and signs*; and (2) *materials, supplies and equipment*, used in the manufacture, sale and distribution of the commodities described in (1) above, between Greenville, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating or terminating at the plantsite and warehouse facilities of Walker Manufacturing Company located at or near Greenville, Tex., and further restricted against commodities in bulk, in tank vehicles, and commodities which because of size or weight require the use of special equipment, under a continuing contract or contracts with Walker Manufacturing Company located in Racine, Wis., a Division of Tenneco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135732 (Sub-No. 15), filed January 16, 1976. Applicant: AUBREY FREIGHT LINES, INC., 605 Grove St., Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish products, corn dogs, and onion rings*, in mechanical refrigerated equipment, from the facilities of Moore's Food Products, Inc., located at or near Fort Atkinson, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia, restricted to shipments originating

at the above origins and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 138635 (Sub-No. 19), filed December 23, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Methyl ethyl ketone peroxide* in Dibutyl Phthalate, (except in bulk or tank vehicles), from Elyria and Cleveland, Ohio, and Burt, N.Y., to Auburn, Kirkland, Seattle, and Spokane, Wash.; Grants Pass, Medford, and Portland, Oreg.; and Boise, Idaho; (2) *Dry chemical pigments*, (except in bulk or tank vehicles), from Baltimore and Laurel, Md., to Auburn, Kirkland, and Seattle, Wash.; Grants Pass, Medford and Portland, Oreg.; (3) *Polyester resin* (except in bulk or tank vehicles), from Chicago and Calumet City, Ill.; and Minneapolis, Minn., to Auburn, Kirkland, and Seattle, Wash.; (4) *Fiber glass*, from Graham, Tex., to Auburn, Kirkland, and Seattle, Wash.; Grants Pass, Medford, and Portland, Oreg. (5) *Fiber glass*, from West Shelby, N.C., to Grants Pass, Medford, and Portland, Oreg., and Kirkland, Wash.; and (6) *Fiber glass*, from Amsterdam, N.Y., to Grants Pass, Medford, and Portland, Oreg., and Kirkland, Wash.

NOTE.—Applicant holds contract carrier authority in MC 138641 (Sub-No. 2) and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Seattle, Wash.

No. MC 138807 (Sub-No. 14), filed January 14, 1976. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Covered copper wire and fluorescent lamp ballasts and materials and supplies*, used in the manufacture thereof, from Mendenhall, Miss., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Virginia, under a continuing contract or contracts with Universal Manufacturing Corp.

NOTE.—Applicant holds common carrier authority in MC 141652 subs 2 and 3 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 138835 (Sub-No. 18), filed January 12, 1976. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, between Crozet, Va., and Russellville, Ark., restricted to

shipments originating at and destined to Morton Frozen Foods—Division of ITT Continental Baking Company, Inc., located at the above named points; and (2) *frozen bread dough*, from the plantsite and facilities of Witterau and Company, located at or near St. Louis, Mo., to the plantsite and facilities of Morton Frozen Foods—Division of ITT Continental Baking Company, Inc., at Russellville, Ark., restricted to the above named plantsites and facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139196 (Sub-No. 10) filed January 13, 1976. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 17, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Abbotsford and New Holstein, Wis., to points in New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 139495 (Sub-No. 123), filed January 15, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, (1) from Heuvelton and Cuba, N.Y., to Carthage and Monett, Mo.; and (2) from Logan, Utah to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140231 (Sub-No. 1), filed January 7, 1976. Applicant: LUMBER DISTRIBUTORS, INC., Building 149, Southside, Port Newark, N.J. 07114. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from points in Pennsylvania and New York within 100 miles of Newark, N.J., to points in Passaic, Bergen, Hudson, Somerset, Middlesex, Mercer, Monmouth and Ocean Counties, N.J., New York, N.Y., and points in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N.Y.; and (b) from points in Essex and Union Counties, N.J., to points in Ulster and Suffolk Counties, N.Y. in excess of 100 miles of Newark, N.J.

NOTE.—The purpose of this application is to eliminate the gateways at Port Newark (Essex County) and Elizabeth (Union

County), N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140615 (Sub-No. 9), filed January 9, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, (except expanded solid, lump, granules, pellets, powder, flake or liquid, from South Brunswick Township (Jamesburg), N.J. and Findeerne, N.J., to Webster, S. Dak.; Albert Lea, Lester Prairie and Rockford, Minn. and Eau Claire, Elkhorn, Madison, Markesan, Pembine and Stevens Points, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140656 (Sub-No. 2), filed January 7, 1976. Applicant: TROCHU TRUCKING SERVICES, LTD., P.O. Box 23, Trochu Alberta, Canada T0M 2C0. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, between the ports of entry on the International Boundary line between the United States and Canada located in North Dakota and Montana, on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, restricted to traffic originating at or destined to points in Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn. or Fargo, N. Dak.

No. MC 141084 (Sub-No. 1), filed January 16, 1976. Applicant: NATIONAL FREIGHT LINES, INC., 10020 Arbor Trail, Fort Wayne, Ind. 46804. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Evans City, Ala.; Delaware City, Atlas Point and North Claymont, Del.; Chicago and LaSalle, Ill.; East Chicago, Ind.; Clinton, Iowa; Gretna, Lake Charles and Plaquemine, La.; Brandenburg, Ky.; Baltimore, Md.; Ludington, Midland and Wyandotte, Mich.; Vicksburg, Miss.; St. Louis, Mo.; Berlin, N.H.; East Rutherford and Gibbstown, N.J.; Burt, Niagara Falls and Syracuse, N.Y.; Castle Hayne, N.C.; Cleveland, Ohio; Memphis, Tenn.; Deer Park, Eagle Pass, El Paso, Freeport, Marshall and Texas City, Tex.; and Nitro, W. Va., to the warehouses of McKesson Chemical Company, located at or near Los Angeles, Riverside, Union City, Canoga Park and Tustin, Calif.,

and Phoenix and Tucson, Ariz., under a continuing contract with McKesson Chemical Co., Division of Foremost-McKesson, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141350 (Sub-No. 1), filed January 16, 1976. Applicant: BOBBY STEVENS HAULING CONTRACTORS, INC., P.O. Box 207, Fortson, Ga. 31808. Applicant's representative: T. Baldwin, Martin, Sr., P.O. Box 4987, Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in dump vehicles, from Barbour County and Henry County, Ala., to Andersonville, Ga. under a continuing contract or contracts with Wilson-Snead Mining Company, Inc. located in Eu-aula, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta or Macon, Ga.

No. MC 141473 (Sub-No. 2), (Amendment), filed November 7, 1975, published in the FEDERAL REGISTER issue of December 18, 1975, and January 22, 1976 republished as amended this issue. Applicant: VAN'S BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, Nev. 89102. Applicant's representative: James E. Barfield, 128 South Fourth Street, Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, gypsum and gypsum products*, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara Counties, Calif.

NOTE.—The purpose of this republication is to amend the commodity description of this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, Reno, Nev. or Los Angeles, Calif.

No. MC 141575 (Sub-No. 2), filed January 15, 1976. Applicant: TFS, INC., East Highway 136, Oxford, Nebr. 68967. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Oxford, Nebr., to points in Arizona, California, Colorado, Iowa, Kansas, Missouri, Nevada, Utah and Wyoming; and (2) *commodities* used in the manufacture and distribution of cheese, from points in Colorado, Kansas, Iowa, Missouri and Utah to Oxford, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 141645, filed December 18, 1975. Applicant: MADISON TRANSPORTATION, INC., 140 Vaughn Drive, P.O. Box 421, Madison, Ind. 47250. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement), in bulk, in dump vehicles or other similar type self-unloading equipment, between points in Jefferson, Dearborn, Switzerland, Ripley, Jennings, Clark, and Scott Counties, Ind., on the one hand, and, on the other, points in Carroll, Jefferson, Trimble, and Clark Counties, Ky., and Hamilton County, Ohio, restricted against the transportation of traffic originating from river terminals at Madison, Ind., on commodities which have had a prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 141654 (Sub-No. 2), filed December 29, 1975. Applicant: J. A. DADY, Box 40, Sisseton, S. Dak. 57262. Applicant's representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (1) from St. Paul and Minneapolis, Minn., to Watertown and Sisseton, S. Dak.; (2) from Milwaukee, Wis., to Watertown, and Sisseton, S. Dak.; and (3) from St. Louis, Mo., to Watertown, S. Dak.

NOTE.—Applicant holds contract carrier authority in MC 124257 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sisseton, or Watertown, S. Dak., or Minneapolis, Minn.

No. MC 141663, filed January 5, 1976. Applicant: ROBERT E. MOORE, doing business as MOORE TRUCKING COMPANY, Star Route, Yanceyville, N.C. 27379. Applicant's representative: Sharon T. Rayle, 611 Summit Avenue, P.O. Box 6188, Greensboro, N.C. 27405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in North Carolina and points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Greensboro or Yanceyville, N.C.

No. MC 141666, filed December 29, 1975. Applicant: MIDWAY TOWING CORP., 1010 Fulton Street, Farmingdale, N.Y. 11735. Applicant's representative: Richard H. Wyssling, 74 Broadway, Amityville, N.Y. 11701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cars and trucks* by means of tow trucks or flat beds, pulled by tow trucks, between points in New York, on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Maryland and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either points in Suffolk or Nassau Counties or New York, N.Y.

No. MC 141675 (Sub-No. 1), filed January 16, 1976. Applicant: **ECONOMY TRUCKING SERVICE, INC.**, 1079 West Side Ave., Jersey City, N.J. 07306. Applicant's representative: Ira G. Megdal, P.O. Box 459-460, 499 Cooper Landing Rd., Cherry Hill, N.J. 08002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores, and supplies and equipment used in the conduct of such business, between Jersey City, N.J., on the one hand, and, on the other, points in Delaware, Indiana, Maine, Massachusetts, Maryland, New Hampshire, New York, North Carolina, Pennsylvania, Vermont, and Virginia, under a continuing contract or contracts with Ames Department Stores, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Trenton, N.J.

No. MC 141685 (Sub-No. 1), filed January 12, 1976. Applicant: **PLOT SERVICE, INC.**, 520 Belleville Turnpike, Kearney, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Moulded plastics, from the facilities of Boonton Molding Co., Div. Pyak Ind., Inc. located at Boonton, N.J., to the facilities of Norelco Co., located at Old Saybrook, Conn.; and (2) returned materials, from the above destination to the above origin.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 141699, filed January 12, 1976. Applicant: **WORSLEY TRANSPORT, INC.**, North Norwood Street, Wallace, N.C. 28466. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, between points in Anson, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Dare, Duplin, Durham, Edgecombe, Franklin, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lenoir, Moore, Martin, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Wake, Washington, Wayne and Wilson Counties, N.C., on the one hand, and, on the other, points in Georgetown, Williamsburg, Florence, Horry, Marion, Dillon, Darlington, Marlboro and Chesterfield Counties, S.C., under a continuing contract or contracts with Worsley Oil Company of Wallace, Inc.; New Seaboard Petroleum, Ltd.; Worsley Oil Company of Burgaw, Inc.; Worsley Oil Company of Elizabethtown, Inc.; Twin*

Petroleum, Inc.; Twin Petroleum of Clinton, Inc. and Bladen Oil Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 141700, filed January 2, 1976. Applicant: **KENNETH G. SCHUCK**, doing business as **KENNETH SCHUCK TRUCKING, R.D. 3, Blue Barn Road, Allentown, Pa. 18104**. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic ducts, plastic tubes and related fittings and attachments, and materials and supplies, used in the production, installation and distribution of plastic pipe, plastic ducts, plastic tubes and related fittings and attachments. Between the plantsite and facilities of Carlon an Indian Head Company located at Nazareth, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Carlon an Indian Head Company, restricted to the movement of traffic originating at the indicated origins and destined to the indicated destinations.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 141705, filed January 14, 1976. Applicant: **KINGSDALE CARRIERS LIMITED**, 423 Ingersoll Avenue, Woodstock, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime, in bulk and in bags, from ports of entry on the International Boundary line between the United States and Canada located at the Niagara, St. Lawrence, Detroit and St. Clair Rivers, to points in Michigan, New York, Ohio, and Pennsylvania, under a continuing contract or contracts with Domtar Chemicals Limited located in Toronto, Ontario, Canada.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141708, filed January 12, 1976. Applicant: **CONSOLIDATED EXPRESS, INC.**, Sabana Gardens, Industrial Park La Ceramica, P.R., G.P.O. Box 2030, San Juan, Puerto Rico 00936. Applicant's representative: Alan F. Wohlstetter, 1700 "K" St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, commodities*

in bulk and those requiring special equipment), between points in the New York, N.Y., Commercial Zone, restricted to import and export shipments having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141711, filed January 15, 1976. Applicant: **QUADREL BROS. TRUCKING COMPANY, INC.**, 1603 Hart Street, Rahway, N.J. 07065. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Biomass, consisting of fermented starch, soybean meal, lard, oil, water and salt potassium, in bulk, in special tank vehicles, from Terre Haute, Ind., to Belvidere, N.J., under a continuing contract or contracts with Hoffman-La Roche Inc.*

NOTE.—Applicant holds common carrier authority in No. MC 127524 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141732, filed January 7, 1976. Applicant: **VARCO TRUCKING, INC.**, 2320 Rudkin Rd., P.O. Box 122, Yakima, Wash. 98907. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit juice concentrates, (except in bulk), from points in Yakima and Chelan Counties, Wash., to points in California and Oregon, under a continuing contract or contracts with Tree Top, Incorporated.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Ore. or Seattle, Wash.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 206), filed December 29, 1975. Applicant: **GREYHOUND LINES, INC.**, Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers in the same vehicle with passengers, between the junction of U.S. Highway 395 and California Highway 203 (Mammoth Lakes junction) and Mammoth Lakes, Calif., serving all intermediate points: From the junction of U.S. Highway 395 and California Highway 203 (Mammoth Lakes junction) over California Highway 203 to Mammoth Lakes, Calif.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Mammoth Lakes, Calif.

No. MC 94818 (Sub-No. 9), filed January 12, 1976. Applicant: **BROOKS BUS LINE, INC.**, 421 Washington Street, Paducah, Ky. 42001. Applicant's representa-

tive: Harry J. Herman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in special operations, in round trip, sight-seeing and pleasure tours, beginning and ending at points in Calloway, Fulton, Graves, Hickman, Marshall, McCracken, and Trigg Counties, Ky., and extending to points in the United States, including Alaska but excluding Hawaii.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Paducah or Mayfield, Ky.

No. MC 141702, filed January 14, 1976. Applicant: LEO BEAUREGARD & FILS LTEE, a Corporation, R.R. 3, St-Hilaire, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James St. W., Suite 900, Montreal, Province of Quebec, Canada. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located at points in New York, Vermont, New Hampshire, and Maine, and extending to points in the United States (except Alaska and Hawaii).*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, or Plattsburgh, N.Y.

BROKER APPLICATION

No. MC 130346 (Correction), filed October 22, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, republished as corrected this issue. Applicant: HOLIDAY INTERNATIONAL INC., 1605 Tartan Way, Louisville, Ky. 40205. Applicant's representative: J. Smiley Collins (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker at Louisville, Ky., to sell or offer to sell the transportation of Individual passengers and groups of passengers, and their baggage, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, between points in the United States including Alaska and Hawaii.*

NOTE.—The purpose of this republication is to correct the applicant's name which was previously published in error as J. Smiley Collins and Son, doing business as People Saving Club, and/or P. S. Club Tours. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., Nashville, Tenn., or Cincinnati, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4756 Filed 2-19-76; 8:45 am]

RAIL TARIFFS Changed Rates

FEBRUARY 13, 1976.

On February 5, 1976, Public Law 94-210, 90 Stat. 31, entitled, "Railroad Re-

vitalization and Regulatory Reform Act of 1976" was enacted. Section 202(e) of the statute establishes a new paragraph (8) to section 15 of the Interstate Commerce Act applicable to rail carriers. As here pertinent, the newly enacted section 15(8) limits the Commission's power to suspend proposed rate changes filed within 2 years of the date of enactment of this statute, if such rate changes meet specified statutory criteria. It is further provided therein that common carriers by railroad must notify the Commission when they wish to have a rate proposal considered pursuant to this subsection.

To satisfy the requirements of the above-described statute and to facilitate the implementation thereof, any common carrier by railroad (or its tariff publishing agent) which desires to have any proposed rate change¹ considered by the Commission pursuant to the "7 per centum increase or decrease" provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (Section 15(8) (b) and 15(8) (c) of the Interstate Commerce Act, as amended), shall notify the Commission upon the carrier's (or publisher's) filing of the proposed tariff or schedule containing said changes. The notification to the Commission shall include (1) the rate(s) in effect on January 1, 1976;² and (2) verification that the information contained in said notice has been furnished to each subscriber of the tariff or schedule at the time said subscriber is furnished its copies of the publication as provided by the rules adopted in Docket No. 35613.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4925 Filed 2-19-76; 8:45 am]

[AB 19 (Sub-No. 21)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Portion Sandusky Branch Between Willard and Wilmer, in Huron and Erie Counties, Ohio

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

¹ The change must be one which is not of general applicability and the aggregate of the increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1976 to come within this subsection in connection with rates filed within 365 days of enactment. Thereafter, during the next year, the aggregate increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1977. See 15 (8) (b) and (c), as amended.

² Any rates proposed to become effective more than 365 days after enactment of P.L. 94-210 shall include a statement of the rate(s) in effect on January 1, 1977.

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Huron and Erie Counties, Ohio on or before March 1, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of February, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 19 (Sub-No. 21)]

BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT PORTION SANDUSKY BRANCH BETWEEN WILLARD AND WILMER, IN HURON AND ERIE COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated February 9, 1976, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company of a portion of its Sandusky Branch extending 24.17 miles between Willard and Wilmer in Huron and Erie if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(3) (C) of the NEPA.

It was concluded, among other things, that traffic volume on the section of the branch proposed for abandonment is low and since most of the traffic generated by the primary shippers already moves by motor carrier, the additional traffic permanently diverted to truck would have a minimal impact on the environment. Moreover, no industrial development is occurring in the area which could be affected by the subject action and alternate rail lines exist which could accommodate some of the traffic generated on the subject line. The rest of the Sandusky Branch will continue to be served by the applicant either via a trackage rights agreement over the nearby N&W line or its own trains with switching occurring with N&W at Sandusky.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7936.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 16, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4927 Filed 2-19-76; 8:45 am]

[Notice No. 979]

ASSIGNMENT OF HEARINGS

FEBRUARY 17, 1976.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB-6-15, Burlington Northern Inc., abandonment between Joliet and Pembina, in Pembina County, North Dakota, now being assigned April 22, 1976, at Pembina, North Dakota, in a hearing room to be later designated.

MC-F 12550, Overland Express, Inc. Purchase (Portion), Bay and Bay Transfer Co., Inc., and MC 133689 (Sub No. 61), Overland Express, Inc., now being assigned April 26, 1976, in St. Paul, Minnesota, in a hearing room to be later designated.

MC 111729 (Sub No. 519), Purolator Courier Corp., Lake Success, New York, now being assigned for hearing April 20, 1976, at Chicago, Illinois, in a hearing room to be later designated.

MC-F 12312, Whitfield Transportation, Inc.—Purchase (Portion)—Lee Hawkes Transfer; And Whitfield Transportation, Inc.—Control And Merger—Miller Bros Truck Line, now being assigned April 5, 1976 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 108461 Sub-123, Whitfield Transportation, Inc., now being assigned April 5, 1976 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 21060 (Sub-No. 15), Iowa Parcel Service, Inc., now assigned March 15, 1976, at Des Moines, Iowa, canceled and application dismissed.

MC 29904 Sub-2, Suddath Van Lines, Inc., now being assigned April 20, 1976 (2 days), at Jacksonville, Florida, in a hearing room to be later designated.

MC 140918, Roger P. Mann d/b/a R.P.M. Trucking Service, now assigned March 3, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 244-A.

MC 114457 (Sub-No. 238), Dart Transit Company, now assigned March 4, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street instead of Room 244-A.

MC 115331 Sub-390, Truck Transport Incorporated, now being assigned April 20, 1976 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 114194 Sub-181, Kreider Truck Service, Inc., now being assigned April 21, 1976 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 115331 Sub-383, Truck Transport, Incorporated, now being assigned April 26, 1976 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-12234, Century Express Ltd., Purchase, Lansdale Transportation Co., Inc., now being assigned April 26, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-12633, Eagle Foods, Inc., DBA Rutherford's—Purchase—Century Express, Ltd.,

Operation of Lansdale Transportation Co., Inc., now being assigned April 26, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-12604, St. Johnsbury Trucking Co., Inc.—Purchase (Portion)—Lansdale Transportation Co. Inc. (Century Express, Ltd., Assignor), now being assigned April 26, 1976, and MC 108473 (Sub 37), St. Johnsbury Trucking Co., Inc., now being assigned April 26, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-12605, H. W. Taynton Co., Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express, Ltd., Assignor), and MC 109821 (Sub-No. 44), H. W. Taynton Co., Inc., now being assigned April 26, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 10761 (Sub-Nos. 184, 240, 246, 247, 249, 253, 254, 256, 257, 259, 260, 266, 268 and 274), Transamerican Freight Lines, Inc., now assigned March 2, 1976, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4926 Filed 2-19-76;8:45 am]

[AB 33 (Sub-No. 10)]

UNION PACIFIC RAILROAD CO.

Abandonment of Its Greeley Branch Near Gill in Weld County, Colorado

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Weld County, Colo., on or before March 1, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 9th day of February, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 33 (Sub-No. 10)]

UNION PACIFIC RAILROAD ABANDONMENT—OF ITS GREELEY BRANCH—NEAR GILL IN WELD COUNTY, COLORADO

The Interstate Commerce Commission hereby gives notice that by order dated February 9, 1976, it has been determined that

the proposed abandonment of the terminal segment of the Greeley Branch of the Union Pacific Railroad Company northeast of Gill, a distance of 3.31 miles, all in Weld County, Colo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because (1) there has been no traffic on this line since 1966, (2) no land use plans are dependent on the continuation of the subject line, and (3) no historic sites would be altered. Furthermore, the abandonment is consistent with local plans to utilize the right-of-way for the construction of a segment of a new county road.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 16, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4928 Filed 2-19-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 17, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43122—Plaster and Related Articles to Points in Wyoming. Filed by Southwestern Freight Bureau, Agent (No. B-583), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads, as described in the application, from Great Southwest, Texas, to specified points in Wyoming.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 20 to Southwestern Freight Bureau, Agent, tariff 166-G, I.C.C. No. 5117. Rates are published to become effective on March 22, 1976.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4930 Filed 2-19-76;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 18]

FEBRUARY 13, 1976.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 51312 (Sub-No. 15TA), filed January 22, 1976. Applicant: BOWLING GREEN TRANSFER, INC., 530 South Maple Street, Bowling Green, Ohio 43402. Applicant's representative: Albert James Rubel, 127 Meeker St., Bowling Green, Ohio 43402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with usual exceptions), from the Danville Plant of the Allith Division of Smith-Jones, Inc., at Danville, Ill., to Franklin and Wallingford, Conn.; Needham Heights, Mass.; Deptford and Kingston, N.J.; Coram, N.Y.; Dublin and Monroe, Ohio; and Bridgeville, Honesdale, and Lionville, Pa., restricted to traffic originating at the named origin for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allith Div., Smith-Jones, Inc., 819 North Bowman Road, Danville, Ill. Send protests to: Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 95920 (Sub-No. 43TA), filed January 26, 1976. Applicant: SANTRY TRUCKING COMPANY, 11552 S.W. Pacific Highway, Portland, Ore. 97223. Applicant's representative: George R.

LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, in containers, from Salt Lake City, Utah, to the ports of entry on the International Boundary line between the United States and Canada located at or near Blaine or Sumas, Wash., under contract or contracts with Van, Walters & Rogers, Ltd., for 180 days. Supporting shippers: Van, Walters & Rogers, Ltd., 980 Van Horne Way, Richmond, B.C. Send protests to: District Supervisor A. E. Odome, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Ore. 97204.

No. MC 111729 (Sub-No. 608TA), filed February 2, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered plant insecticides* (Class "B" Poison), in packages or articles not to exceed 50 pounds in the aggregate from one consignor to one consignee on any one day, between Blue Point, N.Y., on the one hand, and, on the other, Colts Neck, Kenilworth, Lebanon, and Linden, N.J.; East Hartford, Greenwich, and Hartford, Conn.; and Harleysville, New Brighton, and Southampton, Pa., for 90 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plant Products Corp., Blue Point, N.Y. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 113843 (Sub-No. 231TA), filed February 4, 1976. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Pittsburgh, Pa., to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, New Jersey, and New York, for 180 days. Supporting Shipper: Armour Food Company, Inc., 111 West Clarendon, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 116474 (Sub-No. 36TA), filed January 27, 1976. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Mar-

cola Road, Springfield, Ore. 97477. Applicant's representative: EARLE V. WHITE, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in California, to points in Oregon and Washington, under a contract or contracts with Weyerhaeuser Company, for 180 days. Supporting shipper: Weyerhaeuser Company, Tacoma, Wash. 98401. Send protests to: District Supervisor A. E. Odome, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Ore. 97204.

No. MC 117940 (Sub-No. 170TA), filed February 2, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron boilers and heating supplies and equipment*, from Northvale, N.Y., to points in Iowa (except Cedar Rapids, Des Moines, and Guttenberg); Minnesota (except Albert Lea, Duluth, Mankato, Minneapolis, St. Paul, and Worthington); North Dakota (except Bismarck and Fargo); South Dakota, Wyoming, and Montana, for 180 days. Supporting shipper: J. L. Company, Division of Monty Robinson, Inc., 7419 Washington Avenue South, Minneapolis, Minn. 55435. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118989 (Sub-No. 130TA), filed January 28, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, ends and components*, from the plantsite of American Can Company at Milwaukee, Wis., to Chicago and Itasca, Ill., and Munster and Ft. Wayne, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, 915 Harger Road, Oak Brook, Ill. 60521 (W. A. Frazier). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119700 (Sub-No. 30TA), filed January 26, 1976. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., Suite 600; 1221 Baltimore Ave. Kansas City, Mo. 64105. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa,

Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin to the plantsite of National Pipe & Tube Company, located in Liberty County, Tex. (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of *iron and steel articles*, from the plantsite of National Pipe & Tube Co., located in Liberty County, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin; restricted against the transportation of commodities in bulk in tank vehicles, for 180 days. Supporting shipper: National Pipe and Tube Company, 20th and State Streets, Granite City, Ill. 62040. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125777 (Sub-No. 161TA), filed January 26, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron* in dump vehicles, from Burns Harbor, Portage, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller & Company, 55 East Monroe Street, Chicago, Ill. 60603. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 128940 (Sub-No. 267A), filed January 29, 1976. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, 9327 Riggs Rd. P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creger, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings, and adhesives* used in the application thereof, and *materials, equipment and supplies* used in the manufacture, sale and distribution thereof between Odenton, Md., on the one hand, and, on the other, points in Florida, Tennessee, Georgia, Alabama, Nebraska, Colorado, North Dakota, South Dakota, Iowa, Kansas, and Minnesota, under contract with Exxon Chemical U.S.A., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating au-

thority. Supporting shipper: Exxon Chemical Company, U.S.A., Telegraph Road, Odenton, Md. 21113. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134215 (Sub-No. 4TA), filed February 2, 1976. Applicant: MINNESOTA EXPRESS, INC., Box 427, Willmar, Minn. 56201. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, and bakery goods* (including dough) frozen, from Hopkins, Minn., to points in South Dakota located on and east of U.S. Highway 281, under a continuing contract or contracts with Red Owl Stores, Inc., for 180 days. Supporting shipper: Red Owl Stores, Inc., P.O. Box 329, Hopkins, Minn. 55440. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139336 (Sub-No. 8TA), filed January 26, 1976. Applicant: TRANSTATES, INC., 2449 Marcellus Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retreaded and new aircraft tires and worn aircraft tires*, between San Francisco, Calif., Minneapolis, Minn., Kansas City, Kans., Denver, Colo., and Chicago, Ill., under a continuing contract or contracts with Thompson Aircraft Tire Corporation of South San Francisco, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Thompson Aircraft Tire Corporation, 160 Beacon Street, South San Francisco, Calif. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141084 (Sub-No. 2TA), filed February 4, 1976. Applicant: NATIONAL FREIGHT LINES, INC., 10020 Arbor Trail, Ft. Wayne Ind. 46804. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Midland and Ludington, Mich., Plaquemine, La., and Freeport, Tex. to the warehouses of McKesson Chemical Co., at or near Los Angeles, Riverside, Union City and Tustin, Calif., and Phoenix, Ariz., under a continuing contract with McKesson Chemical Co., Division of Foremost-McKesson, Inc., for

180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McKesson Chemical Company, 5353 Jillson Street, City of Commerce, Calif. 90040. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 141728 (Sub-No. 1TA), filed January 26, 1976. Applicant: WILMINGTON CORP., Northern Industrial Park, Wilmington, Mass. 01887. Applicant's representative: Irwin M. Heller, Suite 600, 1 Center Plaza, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold or used in retail stores (except commodities in bulk and commodities requiring the use of special equipment), between Edison Brothers Stores, Inc. distribution center at Northern Industrial Park, Wilmington, Mass. and Boston, Mass., restricted to traffic having an immediately prior or subsequent movement by rail, air, or water, under contract with Edison Brothers Stores, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edison Brothers Stores, Inc., 400 Washington Ave., St. Louis, Mo. 63178. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 141750TA, filed February 3, 1976. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Boulevard, Columbia, S.C. 29202. Applicant's representative: William F. Austin, P.O. Box 11929, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal briquettes* in bags on pallets and (2) *spirits and wine*, from Lake City, S.C. to points in North Carolina, Georgia, Florida, Virginia, Maryland, District of Columbia, Tennessee, Kentucky, Ohio, Pennsylvania, New York, and New Jersey, under contract with Columbia Distributing Corporation, for 180 days. Supporting shipper: Columbia Distributing Corporation, 1009 Airport Boulevard, Columbia, S.C. 29202. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

PASSENGER APPLICATION

No. MC 141020 (Sub-No. 2TA), filed January 26, 1976. Applicant: WAYNE TEECE, doing business as CANADA CAMPING TOURS, 250 One Palliser Square, Calgary, Alberta, Canada T2G 0P6. Applicant's representative: Wayne Teece (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Passengers, their baggage, and camping equipment*, in a charter operations, between Calgary, Alberta, Canada and points in Alaska, via points of entry on the International Boundary line between the United States and Canada located in Alaska, under contract or contracts with Calgary Explorers' Club, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: David Jones, President, Calgary Explorers' Club, 320 25 Ave. SW., Calgary, Alberta, Canada. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4931 Filed 2-19-76;8:45 am]

[Notice No. 111]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
AC-Bernick Transporters, Inc., MC-113041, 13.....	MC-113041, 14.....	Feb. 2, 1976
Shaffer Trucking, Inc., MC-114569, 107.....	MC-114569, 113.....	Do.
Central Transport, Inc., MC-118831, 102.....	MC-118831, 105.....	Do.
Contract Freighters, Inc., MC-119399, 41.....	MC-119399, 44.....	Do.
Contract Freighters, Inc., MC-119399, 46.....	MC-119399, 45.....	Do.
Caravan Refrigerated Cargo, MC-119789, 250.....	MC-119789, 251.....	Do.
Parker Refrigerated Service, MC-127539, 40.....	MC-127539, 41.....	Do.
D. M. Bowman, Inc., MC-138438, 2, 12.....	MC-138438, 4.....	Do.
D.b.a. Glacier Transport, MC-139420, 2.....	MC-139420, 6.....	Do.
Orren J. Lee, MC-140463TA.....	MC-140463, 1.....	Do.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4929 Filed 2-19-76;8:45 am]

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FRIDAY, FEBRUARY 20, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service



PROFESSIONAL STANDARDS REVIEW

Interim Hearings and Appeals

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE,
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARESUBCHAPTER I—MEDICAL CARE QUALITY AND
COST CONTROLPART 101—PROFESSIONAL STANDARDS
REVIEWInterim Hearings and Appeals of Profes-
sional Standards Review Organization
Determinations

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby adopts interim regulations, entitled "Hearings and Appeals of Professional Standards Review Organization Determinations," designated as Subpart N of Part 101 of Title 42, Code of Federal Regulations. Notice of rulemaking, public participation and delay in effective date have been omitted in the issuance of the following regulations as impractical and contrary to the public interest, and it is hereby found that good cause exists, as set out below, for making these interim hearing regulations effective immediately on publication in the FEDERAL REGISTER.

Section 1159(a) of the Social Security Act (42 U.S.C. § 1320-8) provides for reconsideration of a Professional Standards Review Organization (PSRO) determination by the PSRO and, if such determination is reaffirmed by the PSRO and the matter in controversy is \$100 or more, for review by the professional members of the Statewide Professional Standards Review Council, if one has been established in the State. Section 1159(b) provides that, where the determination of the Statewide Professional Standards Review Council is adverse to the beneficiary or recipient (or where there is no such Council in a State and where the matter in controversy is \$100 or more), such beneficiary or recipient shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) of the Social Security Act. The Secretary will render a decision only after appropriate professional consultation on the matter. Section 1159(c) provides that any review or appeals provided under this section shall be in lieu of any review, hearing or appeal under the Act with respect to the same issue.

It is anticipated that regulations will be issued in the near future which will deal with the assumption by conditional PSROs of full responsibility for making the medical determinations set forth in section 1155(a)(1) of the Social Security Act. Such determinations will be conclusive with regard to medical issues involved in the payment or denial of claims under Titles XVIII and XIX of the Social Security Act. Moreover, several conditional PSROs have already entered into agreements, with the approval of the Secretary, with Medicaid State agencies and Medicare fiscal agents under which the PSROs are presently responsible for making conclusive medical determinations for claims payment purposes.

When conditional PSROs have assumed full review responsibility pursu-

ant to these regulations, beneficiaries and recipients must be afforded the right to reconsiderations, hearings and appeals as provided by section 1159 of the Social Security Act. Hence, it is necessary that the Secretary provide regulations for reconsiderations, hearings and appeals procedures under section 1159 immediately and on an interim basis. These regulations provide that the hearings and appeals procedures utilized by the Bureau of Hearings and Appeals of the Social Security Administration for beneficiary appeals under Title XVIII, Part A, of the Social Security Act shall be applicable on an interim basis to all hearings and appeals of PSRO determinations, whether the claims involved arise under Title XVIII (Medicare) or Title XIX (Medicaid). While these regulations incorporate many of the procedures now in effect for hearings under Title XVIII with respect to Medicare claims, this procedure will, in accordance with section 1159(c) of the Social Security Act, replace entirely the fair hearings provided for under State plans as required by section 1902(a)(3) of the Social Security Act, with respect to determinations by a PSRO which has assumed full responsibility for the review of services and items provided in specified health care institutions, on the issues of whether: (a) health care services and items are or were medically necessary; (b) the quality of such services meets professionally recognized standards of care; and (c) in inpatient cases, the services and items could be more appropriately provided on an outpatient basis or in a different type of facility. Medicaid hearings will continue to be provided in accordance with the applicable State plan with respect to other issues, such as coverage and eligibility, as provided by law, and as to the denial of claims on medical issues for services provided in those hospitals where a PSRO has not assumed full review responsibility.

Proposed regulations are being developed under section 1159 of the Social Security Act, to govern the reconsideration, hearings and appeals of PSRO determinations. Procedures for reconsiderations with which the PSROs must comply under agreements with the Secretary are set forth in Chapter XIX of the PSRO Program Manual issued by the Secretary. Copies of the PSRO Program Manual may be obtained from the appropriate Regional Office of the Department of Health, Education, and Welfare or from the Office of the Director, Bureau of Quality Assurance, Room 16A55, 5600 Fishers Lane, Rockville, Maryland 20852.

Interested persons are invited to submit written comments, suggestions or objections concerning Subpart N to the Director, Bureau of Quality Assurance, Health Service Administration, Room 16A55, 5600 Fishers Lane, Rockville, Maryland 20852, on or before March 22, 1976. All comments received in timely response will be considered and will be available for public inspection in the above-named office during regular business hours.

These regulations are effective February 20, 1976.

Dated: October 10, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: February 4, 1976.

MARJORIE LYNCH,
Acting Secretary.

Subpart N—Hearings and Appeals of Professional
Standards Review Organization Determinations
Interim Regulations

Sec.

- 101.1401 Applicability of section 1159(b) hearing procedures.
- 101.1402 Right to reconsideration, review and hearing.
- 101.1403 Utilization of procedures under Title XVIII, Part A of the Social Security Act.
- 101.1404 Professional consultation.
- 101.1405 Determining amount in controversy in case of proposed services.
- 101.1406 Right to judicial review.

AUTHORITY: Section 1159 of the Social Security Act; Section 249F, Pub. L. 92-603; 86 Stat. 1429-1445 (42 U.S.C. 1320c-8); Section 1102 of the Social Security Act, 49 Stat. 647 as amended (42 U.S.C. 1302).

§ 101.1401 Applicability.

The regulations of this subpart are applicable to hearings provided by the Secretary pursuant to section 1159(b) of the Social Security Act (hereinafter "the Act") with regard to determinations under section 1155(a) of the Act by a PSRO, including a conditional PSRO, which has assumed full review responsibility in specified health care institutions.

§ 101.1402 Right to reconsideration, review and hearing.

(a) Any beneficiary or recipient who is entitled to benefits under the Act (other than Title V), or a provider or practitioner who is dissatisfied with a determination, with respect to a claim, made by a Professional Standards Review Organization in carrying out its responsibilities for the review of professional activities in accordance with paragraphs (1) and (2) of section 1155(a) of the Act shall, after being notified of such determination, be entitled to a reconsideration thereof by the Professional Standards Review Organization, and, where the Professional Standards Review Organization reaffirms such determination in a State which has established a Statewide Professional Standards Review Council, and where the matter in controversy is \$100 or more, such determination shall be reviewed by professional members of such Council and, if the Council so determines, revised.

(b) Where the determination of a Statewide Professional Standards Review Council is adverse to the beneficiary or recipient (or where there is no such Council in a State and where the matter in controversy is \$100 or more), such beneficiary or recipient shall be entitled to a hearing thereon by the Secretary to the same extent as provided in section 205(b) of the Act.

(c) Any review or appeal provided under this section shall be in lieu of any

review, hearing or appeal under the Act with respect to the same issue.

§ 101.1403 Utilization of Title XVIII, Part A, hearing procedures.

The procedures specified in §§ 405.722 (time and place of filing request for hearing), §§ 405.740 through 405.747 (determining amount in controversy), §§ 404.919 through 404.952 and 404.954 through 404.956 (procedures for conduct of hearings and Appeals Council review); §§ 405.750, 404.958, 404.961 through 404.963, and 404.966 (reopening initial or reconsidered determinations and hearings or Appeals Council decisions); and §§ 404.971 through 404.973 (representation of parties) of Title 20 Code of Federal Regulations, except to the extent inconsistent with specific provisions of this Subpart N, shall govern hearings under section 1159(b) of the Act.

§ 101.1404 Professional consultation.

(a) Any decision made by an Administrative Law Judge with regard to a PSRO determination shall be made only after receiving and considering appropriate professional consultation on the matter.

(b) Professional consultation shall be obtained by the Administrative Law Judge, in the form of either testimony or written opinion, from an impartial medical advisor selected by the Social Security

Administration in each matter which he is to decide under section 1159(b). Such consultation shall be part of the record, and shall be considered by the Administrative Law Judge along with other evidence of record in deciding the issues before him.

(1) Each party shall have the right to examine all evidence of record, including that obtained from the medical advisor, and to present rebuttal evidence. Such rebuttal evidence shall be made part of the record for consideration.

(2) Such consultation shall be rendered by a licensed doctor of medicine or osteopathy whenever the health care services or items in question were provided or proposed to be provided by another licensed doctor of medicine or osteopathy.

(3) No professional advisor shall be utilized to provide such consultation if: (i) he was directly or indirectly involved in providing the services which are the subject of the hearing; (ii) he or any member of his family has, directly or indirectly, any financial interest in the institution in which such services were provided or were proposed to be provided; (iii) he participated in the PSRO initial or reconsidered determinations or the Statewide Council determination which is the subject of the hearing; (iv) he has staff privileges in the institution in which such services were provided or

proposed to be provided; or (v) he is a member of the governing body of the PSRO or a member of the Statewide Council which rendered a determination in the matter.

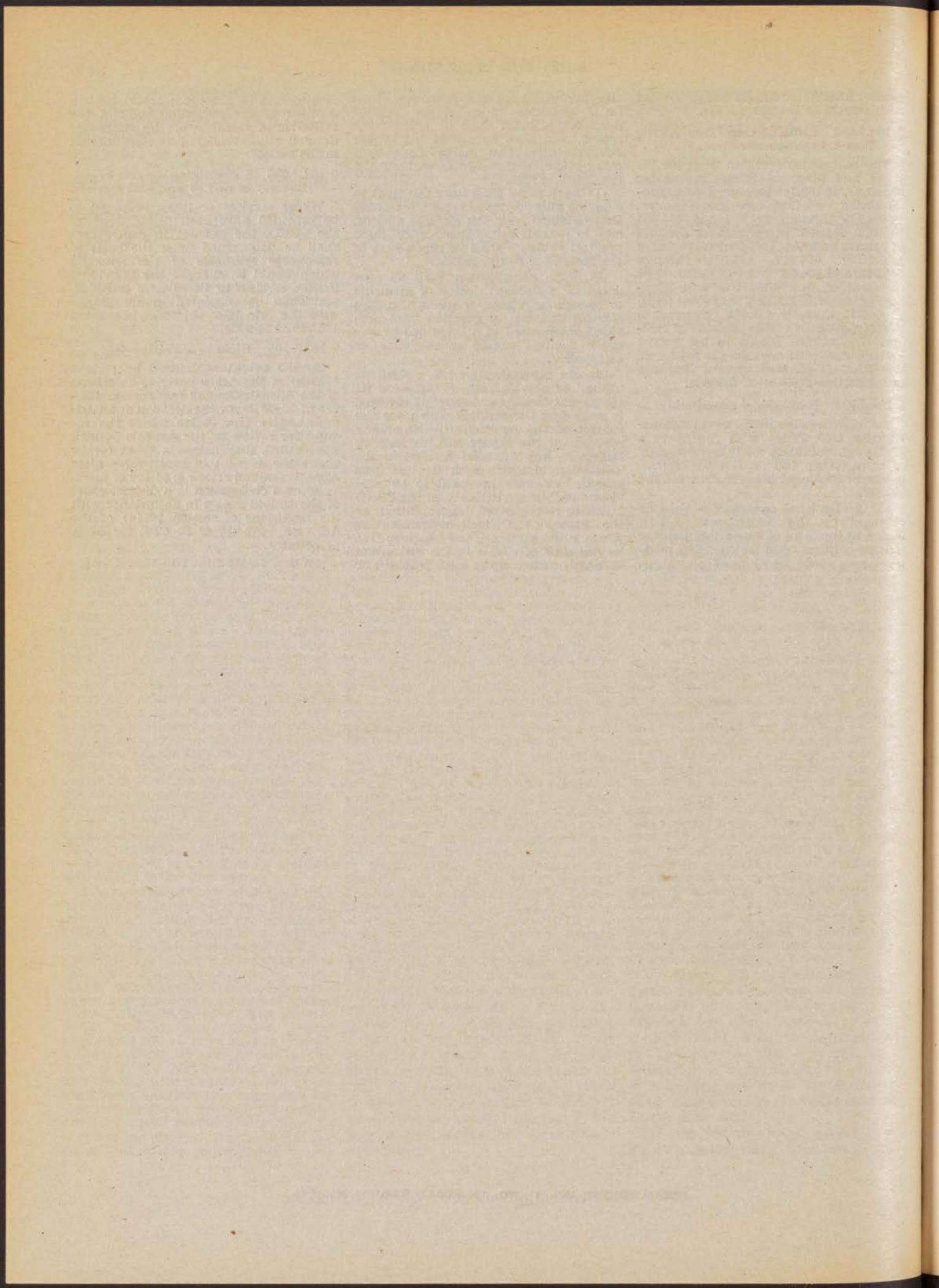
§ 101.1405 Determining amount in controversy in case of proposed services.

Where services or items proposed to be provided have been disapproved by the PSRO, the amount in controversy shall be determined upon the basis of reasonable estimates of the amounts which would be charged the individual if such services or items were provided, and shall be computed in accordance with the principles set forth in section 405.740 of 20 CFR.

§ 101.1406 Right to judicial review.

To the extent authorized by section 1159(b) of the Act, a party to a decision of the Appeals Council (see section 404.950 of 20 CFR), or the decision of an Administrative Law Judge where the request for review by the Appeals Council was denied, may obtain a court review where the amount in controversy after Appeals Council review is \$1,000 or more, by filing a civil action in a district court of the United States in accordance with the provisions of section 205(g) of the Act (see § 422.210 of 20 CFR for filing procedure).

[FR Doc.76-4546 Filed 2-19-76;8:45 am]



federal register

FRIDAY, FEBRUARY 20, 1976



PART III:

DEPARTMENT OF LABOR

**Employment Standards
Administration**

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:		
AZ76-5007	-----	Jan. 23, 1976.
Arkansas:		
AR76-4007	-----	Jan. 16, 1976.
California:		
CA75-5151; CA75-5152	---	Jan. 5, 1976.
Georgia:		
AR-4038	-----	Sept. 27, 1974.
Illinois:		
IL76-2006	-----	Jan. 30, 1975.

Kentucky:		
KY75-1065	-----	June 20, 1975.
KY75-1102	-----	Oct. 17, 1975.
Louisiana:		
LA76-4013	-----	Jan. 30, 1976.
Massachusetts:		
MA75-2110	-----	Sept. 12, 1975.
MA75-2117	-----	Oct. 31, 1975.
MA75-2118	-----	Oct. 24, 1975.
MA75-2119; MA75-2121; MA75-2122; MA75-2123.	-----	Nov. 7, 1975.
MA75-2124; MA75-2125; MA75-2126; MA75-2128.	-----	Nov. 14, 1975.
MA75-2130	-----	Nov. 21, 1975.
New Mexico:		
NM75-4204	-----	Dec. 19, 1975.
New York:		
NY76-3125	-----	Jan. 23, 1976.
Pennsylvania:		
AR-2098	-----	Dec. 27, 1974.
PA75-3077; PA75-3079; PA75-3083; PA75-3084.	-----	Aug. 22, 1975.
PA75-3113	-----	Dec. 5, 1975.
Virginia:		
MD76-3140	-----	Jan. 23, 1976.
Washington, D.C.:		
DC76-3000	-----	Jan. 16, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:		
AL75-1048 (AL76-1027)	---	Feb. 28, 1975.
AL75-1063 (AL76-1026)	---	Aug. 29, 1975.
Illinois:		
IL75-2043 (IL76-2018)	---	Apr. 18, 1975.
IL75-2107 (IL76-2017)	---	June 20, 1975.
Kentucky:		
AQ-4101 (KY76-1028)	----	Apr. 19, 1974.
Iowa:		
AM-6712 (IA76-4053)	----	Apr. 14, 1972.
Maryland:		
AR-2086 (MD76-3143)	----	Nov. 11, 1974.
AR-2091 (MD76-3141)	----	Nov. 29, 1974.
Texas:		
TX75-4088 (TX76-4049)	--	May 16, 1975.
TX75-4089 (TX76-4048); TX75-4185 (TX76-4046); TX75-4186 (TX76-4047); TX75-4187 (TX76-4050); TX75-4188 (TX76-4051); TX75-4189 (TX76-4052)	----	Nov. 7, 1975.
TX75-4201 (TX76-4045)	--	Dec. 5, 1975.
Wyoming:		
WY75-5106 (WY76-5018)	-	Aug. 15, 1975.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decision No. AM6712, as it applies to Cass, Ringgold, and Taylor Counties, Iowa only is cancelled. Agencies with heavy and highway construction projects pending in these Counties should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. AM6712 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 13th day of February 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

FEDERAL REGISTER, VOL. 41, NO. 35—FRIDAY, FEBRUARY 20, 1976

DECISION NO. CA75-5151 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Electricians: Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed: Electricians Cable Splicers Tunnel: Electricians Cable Splicers Lake, Marin, Mendocino and Sonoma Counties Electricians Cable Splicers Monterey County Electricians Cable Splicers Glaziers: Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (S. W. from E. to Fairfield) and Sonoma Counties	11.21 12.33 11.34 12.47 11.75 12.93 12.50 13.81	12 + .75 12 + .75 12 + .75 12 + .75 12 + .30 12 + .30 12 12			.045 .045 .045 .045 .02 .02 .01 .01
Ironworkers: Fence Erectors Reinforcing Ornamental; Structural Lathers: Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties San Francisco and N 1/2 of San Mateo County Fresno County	10.47 9.64 10.53 10.53 9.01 11.63 10.83	\$ 1.13 1.65 1.65 1.65 .85 .65 .45			.02 .03 .03 .03 1/8¢ .01

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed: Electricians Cable Splicers Tunnel: Electricians Cable Splicers Lake, Marin, Mendocino and Sonoma Counties Electricians Cable Splicers Monterey County Electricians Cable Splicers Glaziers: Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (S. W. from E. to Fairfield) and Sonoma Counties	.73 .73 .73 .73 .61 .61 .70 .70	12 + .75 12 + .75 12 + .75 12 + .75 12 + .30 12 + .30 12 12			.045 .045 .045 .045 .02 .02 .01 .01
Ironworkers: Fence Erectors Reinforcing Ornamental; Structural Lathers: Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties San Francisco and N 1/2 of San Mateo County Fresno County	.87 .46 .35				

DECISION NO. CA75-5151 - Mod. #4

(41 FR 935 - January 5, 1976)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

Change:

Bricklayers; Stonemasons:
Fresno, Kings, Madera, Mariposa and Merced Counties \$ 10.24
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties
Carpenters:
Hardwood floor layers:
Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors
Millwrights
Piledriermen, bridge, wharf and dock builders
Drywall installers

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DECISION NO. CA75-5151 (Cont'd)

Line Construction:	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Anador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed:						
Groundmen	\$ 8.97	.73	1½ + .75			.045
Linenmen	11.21	.73	1½ + .75			.045
Cable Splicers	12.33	.73	1½ + .75			.045
Monterey County						
Groundmen	9.38	.70	1½			.01
Linenmen: Technicians	12.51	.70	1½			.01
Cable Splicers	13.82	.70	1½			.01
Painters:						
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of counties in the Lake Tahoe Area)						
Brush	10.75	.89	.90	.80		.03
Spray	11.00	.89	.90	.80		.03
Tapers	11.30	.89	.90	.80		.03
Lake, Marin, Mendocino, San Francisco and Sonoma Counties						
Brush	10.50	.89	.90	.80		.03
Spray	10.75	.89	.90	.80		.03
Tapers	11.45	.89	.90	.80		.03
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	10.65	.89	.90	.80		.03
Spray	10.90	.89	.90	.80		.03
Tapers	11.45	.89	.90	.80		.03

DECISION NO. CA75-5151 (Cont'd)

Painters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Parking Lot Striping Work and/or Highway Markers: Fresno, Kings and Tulare Counties						
Traffic Delineating Device Applicator	\$ 8.27	.45	.30	b		
Wheel Stop Installer; Traffic Surface Sandblaster; Stripper	7.88	.45	.30	b		
Helper (wheel stop installer, traffic surface sandblaster, stripper)	6.48	.45	.30	b		
Remaining Counties: Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	8.27	.45	.30	b		
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.37	.45	.30	b		
Stripper	9.37	.45	.30	b		
Helper (stripper)	7.87	.45	.30	b		
Plasterers:						
Fresno, Kings, Madera and Tulare Counties	8.99	.76	\$ 1.25	\$ 1.00		.01
San Francisco County	11.20	.75	1.60			.03
Del Norte, Humboldt, Lassen (N. W. half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties						
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.35	.73	.50	1.00		.01
Plasterers' Tenders:	8.50	.70	1.40	1.00		
Monterey County	8.90	.80	1.40			
Plumbers:						
Del Norte and Humboldt Cos.	11.49	.61	1.12			.05
Roofers:						
Fresno, Kings, Madera and Tulare Counties	10.60	.50	.50			
Monterey and Santa Cruz Cos.	9.05	.60	.80	1.00		

DECISION NO. CA75-5151 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.27	.45	.30	b	
7.77	.45	.30	b	
7.37	.45	.30	b	
6.30	.45	.30	b	
5.87	.45	.30	b	

Parking Lot Striping and/or Highway Markers: (Cont'd)
 Remaining Counties:
 Slurry Seal Operation
 Mixer Operator
 Squeegee Man
 Applicator Operator
 Shuttleman
 Top Man

FOOTNOTE:

b. Employer contributes \$.21 per hour to Holiday Fund plus \$.12 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years \$.32 per hour to Vacation Fund; 5 years but less than 10 years, \$.42 per hour to Vacation Fund; over 10 years \$.52 per hour to Vacation Fund.

DECISION NO. CA75-5151 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.13	.60	1.10		.02
10.33	.60	1.30		.09
11.14	.60	1.10		.06
10.60	.60	1.66	\$ 1.06	
12.95	.90	1.75		.155
11.80	.61	1.12		.05
10.85	.73	.92		.22
9.77	.40	.35		
7.88	.45	.30	b	
6.88	.45	.30	b	
6.48	.45	.30	b	
6.30	.45	.30	b	
5.48	.45	.30	b	

Sheet Metal Workers:
 Alpine, Calaveras and San Joaquin Counties
 Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties
 Mariposa, Merced, Stanislaus, and Tuolumne Counties
 Monterey, San Benito, Santa Clara and Santa Cruz Cos.
 Steamfitters:
 Alameda and Contra Costa Cos.
 Del Norte and Humboldt Cos.
 Terrazzo Workers:
 Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties
 Tile Setters:
 Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties

Add:
 Parking Lot Striping and/or Highway Markers:
 Fresno, Kings and Tulare Cos.

Slurry Seal Operation
 Mixer Operator
 Squeegee Man
 Applicator Operator
 Shuttleman
 Top Man

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DECISION NO. CA75-5152 - Mod. #2
(41 FX 952 - January 5, 1976)

Alameda, Alpine, Amador,
Calaveras, Contra Costa,
Del Norte, El Dorado, Fresno,
Humboldt, Marin, Mariposa,
Merced, Monterey, Napa,
Nevada, Placer, Sacramento,
San Benito, San Francisco,
San Joaquin, San Mateo,
Santa Clara, Santa Cruz,
Shasta, Solano, Sonoma,
Sutter, Tehama, Tuolumne,
Yolo and Yuba Counties,
California

Change:

Bricklayers; Stonemasons;
Fresno, Mariposa and Merced
Counties
Eldorado, Nevada, Placer,
Sacramento, Shasta, Sutter,
Tehama, Yolo and Yuba Cos.
Carpenters:
Carpenters
Hardwood Floor Layers; Power
Saw Operator; Saw Filers;
Shinglers; Steel Scaffold
Erectors and/or Steel Shoring
Erectors
Millwrights
Piledrivermen, bridge, wharf
and dock builders
Drywall Installers
Electricians:
Amador, Sacramento, Sutter,
Yolo, Yuba and those portions
of Alpine, Eldorado, Nevada
and Placer Counties West of
the Main Sierra Mountain
Watershed
Electricians
Cable Splicers

DECISION NO. CA75-5152 (Cont'd)

DECISION NO. CA75-5152 - (Cont'd)				
Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	

MODIFICATION P. 12

MODIFICATIONS P. 11

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
DECISION NO. AR-1038 - Mod. #3 (39 FR-31981 - September 27, 1974) Statewide, Georgia					
Change: Laborer: Zone IV					
2.30					
DECISION #1176-2006 - Mod. #1 (41 FR 4754 - January 30, 1975) Adams, Brown & Pike Counties, Illinois					
CHANGE: Laborers: Brown & Pike Counties Unskilled Semi-Skilled Skilled					
\$7.24 7.44 7.59	.30 .30 .30	.30 .30 .30			.035 .035 .035

DECISION NO. CA75-5152 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
Plasterers: Fresno County	.76	1.25	1.00		.01
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	.73	.50	1.00		.01
San Francisco County	.75	1.60			.03
Mariposa, Merced, and Tuolumne Counties	.70	1.40	1.00		
Plasterers' Tenders: Monterey County	.80	1.40			
Plumbers: Del Norte and Humboldt Cos.	.61	1.12			.05
Roofers: Fresno County	.50	.50			
Monterey and Santa Cruz Cos.	.60	.80	1.00		
Sheet Metal Workers: Alpine, Calaveras and San Joaquin Counties	.60	1.10			.02
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	.60	1.30			.09
Mariposa, Merced and Tuolumne Counties	.60	1.10			.06
Monterey, San Benito, Santa Clara and Santa Cruz Cos.	.60	1.66	1.06		
Steamfitters: Alameda and Contra Costa Counties	.90	1.75			.155
Del Norte and Humboldt Cos.	.61	1.12			.05
Terrazzo Workers: Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Cos.	.73	.92			.22
Tile Setters: Fresno, Mariposa and Merced Counties	.40	.35			

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION # KY75-1065 - Mod. #1 (40 FR-26201 - June 20, 1975) McCracken County, Kentucky Change: Carpenters: Millwrights & Piledrivers Cement masons working on swing- ing scaffold up to 50' Electricians: Electricians: Cable splicers Ironworkers, structural ornamental & reinforcing Plumbers & steamfitters Soft floor layers	7.50 7.75 7.75 6.75 7.00 9.40 9.65 8.45 9.40 7.50	.35 .35 .35 .50 .50 .40 .40 .45 .45 .35	.25 .25 .30 .30 .30 .40 .40 .50 .50 .25	.05 .05 .03 .03 1/2 of % 1/2 of % .02 .08 .05	
DECISION # KY75-1102 - Mod. #1 (40 FR - 48863 - October 17, 1975) Hardin, Jefferson, & Meade Counties, Kentucky Change: Cement masons Marble, tile, & Terrazzo workers Sheet metal workers: Zone 1 Jefferson County Zone 2 Hardin & Meade Counties including Ft. Knox Reservation	8.78 8.80 10.26 11.01	.60 .40 .60 .60	.30 .40 .60 .60	.07 .07	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #LA76-4013 - Mod. #1 (41 FR 4760 - January 30, 1976) Statewide Louisiana Change: Carpenters: Zone 1 Electricians: Electricians: Zone 1 Cable splicers: Zone 1 Glaziers: Zone 2 Zone 3 Laborers: Zone 2: Group 1 Group 2 Line construction: Zone 2: Linemen, line equipment & line truck operators Cable splicers Millwrights: Zone 4 Plumbers & pipefitters: Zone 3 Sheet metal workers: Zone 1 Zone 2	\$ 7.64 .30 9.90 .35 10.15 .35 6.75 8.875 .17 4.97 .15 5.17 .15 9.90 .35 10.15 .35 8.365 .30 8.20 .40 9.09 .40 9.31 3 1/2+.40	1%+.40 1%+.40 .30 .10 .10 .05 .05 1%+.40 1%+.40 .35 .15 .60	.01 .01 .05 .05	3/10% 3/10%	.10 .10 .14

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
DECISION NO. MA75-2117 - Mod. #1 (40 FR 50906 - October 31, 1975) Barnstable County, Massachusetts						
Change:	\$10.26	.80	.80			.01
Asbestos workers	8.68	.52	.85			.01
Glaziers	9.65	.60	.65			.07
Millwrights	9.48	.45	.45			
Sheet Metal Workers						
DECISION NO. MA75-2118 - Mod. #1 (40 FR 49950 - October 24, 1975) Berkshire County, Massachusetts						
Change:	9.85	.79	.95			.01
Asbestos workers	9.54	.45	1.49			.02
Electricians						
Ironworkers, Structural, Ornamental & Reinforcing	9.49	.60	.85			.04
Lathers:						
Lather	9.40	.45	.25			.01
Drywall	8.30	.45	.25			.01
Millwrights (entire county)	9.65	.60	.65			.07
Sheet Metal Workers	9.30	.75	1.08			.02

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vocation	
DECISION NO. MA75-2119 - Mod. #1 (40 FR 52264 - November 7, 1975) Bristol County, Massachusetts					
Change:					
Asbestos workers:					
Easton	\$10.26	.80	.80		.01
Bricklayers; Cement masons; plasterers; stonemasons: Remainder of County	9.80	.90	.65		.05
Carpenters, Soft Floor Layers:					
Easton, N. & S. Easton and Remainder of County:					
All work over \$1 million including residential	9.30	.50	.65		.02
Work from \$1 million - 1 1/2 million	8.83	.50	.65		.02
Work from \$500,000 - \$1 million	8.37	.50	.65		.02
Work from 200,000 - \$500,000	7.44	.50	.65		.02
Residential up to 4 stories & commercial up to \$200,000	6.97	.50	.65		.02
Electricians:					
Easton:					
Electrical contracts less than \$20,000	9.15	1 1/2%	5%		.5%
Electrical contracts \$20,000 or more	11.05	1 1/2%	5%		.5%
Glaziers:					
Remainder of County	8.68	.52	.85		.01
Ironworkers:					
Easton, Mansfield, N. Easton	\$ 9.99	.70	1.50		.06
Remainder of County	9.43	.70	1.50		.05
Millwrights	9.65	.60	.65		.07
Roofers: N. Attleboro	9.20	.70	1.20		.05
Sheet Metal Workers: Remainder of County	9.93	.91	1.05		.06

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. MAY5-2121 - Mod. #1 (40 FR 52259 - November 7, 1975) Essex County, Massachusetts					
Change:					
Asbestos Workers	.80	.80			.01
Electricians:					
Andover, Lawrence, Methuen, and North Andover					
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	.35	1/4+.20			.02
Amesbury, Bedford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & W. Newbury	.50	1/4+.35			.05
Remainder of County	.70	1/4+.20			.02
Millwrights	.60	1/4+.20			.07
Roofers:		.65			
Remainder of County	.70	1.20			.05
Sheet Metal Workers	.91	1.05			.06
DECISION NO. MAY5-2110 - Mod. #1 (40 FR 12498 - September 12, 1975) Franklin County, Massachusetts					
Change:					
Asbestos Workers	.79	.95			.01
Bricklayers, cement masons; plasterers; marble, tile & terrazzo workers	.55	.80			.03
Electricians: Hawley, Monroe, Rowe	.45	1/4+.49			.02
Ironworkers - Structural, Ornamental, & Reinforcing	.70	1.50			.09
Lathers:					
Lathers	.45	.25			.01
Drywall	.45	.25			.01
Millwrights	.60	.65			.07
Sheet metal workers	.75	1.08			.02

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. MA75-2122 - Mod. #1 (40 FR 52264 - November 7, 1975) Hampden County, Massachusetts					
Change:					
Asbestos Workers	.79	.95			.01
Ironworkers: Structural, Ornamental & Reinforcing	.70	1.50			.09
Lathers:					
Lathers	.45	.25			.01
Drywall	.45	.25			.01
Millwrights	.60	.65		.07	.07
Sheet Metal Workers	.75	1.08			.02
Sprinkler Fitters	.50	.80			.08
DECISION NO. MA75-2123 - Mod. #1 (40 FR 52264 - November 7, 1975) Hampshire County, Massachusetts					
Change:					
Asbestos Workers	.79	.95			.01
Ironworkers: Structural, Ornamental & Reinforcing	.70	1.50			.09
Lathers:					
Lathers	.45	.25			.01
Drywall	.45	.25			.01
Millwrights	.60	.65			.07
Sheet Metal Workers	.75	1.08			.02

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DECISION NO. MAY 5-2125 - Mod. #1 (40 FR 53184 - November 14, 1975) Middlesex County, Massachusetts	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Change: Asbestos Workers Carpenters: Soft Floor Layers: Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard Sherborn, & Stow Electricians: N. Reading Ironworkers Millwrights Painters: Ashby, Ayer, Groton, Pepperell, Shirley & Townsend Brush Sandblasting: Spray Steel Repaint Roofers Sheet Metal Workers Sprinkler fitters	.80	.80		.01	\$10.26 10.00 10.02 9.99 10.28 9.78 10.78 11.90 8.01 9.20 9.93 10.53
Asbestos Workers Remainder of County Bricklayers Lakeville Electricians: Hingham, Hull Glaziers: Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham Ironworkers: Bridgewater, Brockton, Hanover, Hanson, Marfield, Norwell, Pembroke, Rockland, Scituate, W. Bridge-water, & Whitman Lakeville, Marion, Mattapoisett, Middleboro, Rochester & Wareham Millwrights Roofers: Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield Norwell, Pembroke, Rock-Plymouth, Plympton, Rockland, Scituate, & W. Bridgewater Sheet Metal Workers: Remainder of County	.60 .70 .91 .50	.65 1.20 1.05 .80			\$10.28 9.20 9.93 10.53
DECISION NO. MAY 5-2126 - Mod. #1 (40 FR 53193 - November 14, 1975) Plymouth County, Massachusetts	.80	.80		.01	\$10.26
Asbestos Workers Remainder of County Bricklayers Lakeville Electricians: Hingham, Hull Glaziers: Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham Ironworkers: Bridgewater, Brockton, Hanover, Hanson, Marfield, Norwell, Pembroke, Rockland, Scituate, W. Bridge-water, & Whitman Lakeville, Marion, Mattapoisett, Middleboro, Rochester & Wareham Millwrights Roofers: Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield Norwell, Pembroke, Rock-Plymouth, Plympton, Rockland, Scituate, & W. Bridgewater Sheet Metal Workers: Remainder of County	.80 .90 .50	.80 .65 1 1/2 + 1.35			9.80 10.75
DECISION NO. MAY 5-2125 - Mod. #1 (40 FR 53184 - November 14, 1975) Norfolk County, Massachusetts	.75 .75 .75 .75 .70 .91 .50	.50 .50 .50 .50 1.00 1.05 .80		.02 .02 .02 .05 .05 .08	8.68
Change: Asbestos Workers: Remainder of County Carpenters: Soft Floor Layers Avon, Holbrook, Randolph & Stoughton Bellingham, Franklin, Medfield, Medway & Mills Glaziers: S. Bellingham Ironworkers: Plainville & Cape Cod Remainder of County	.80	.80		.01	10.26
Asbestos Workers: Remainder of County Carpenters: Soft Floor Layers Avon, Holbrook, Randolph & Stoughton Bellingham, Franklin, Medfield, Medway & Mills Glaziers: S. Bellingham Ironworkers: Plainville & Cape Cod Remainder of County	.50 .60 .52 .70	.65 .65 .85 1.50		.02 .07	9.30 9.99 8.68 9.43 9.99
Asbestos Workers: Remainder of County Carpenters: Soft Floor Layers Avon, Holbrook, Randolph & Stoughton Bellingham, Franklin, Medfield, Medway & Mills Glaziers: S. Bellingham Ironworkers: Plainville & Cape Cod Remainder of County	.70	1.50		.06	9.65
Asbestos Workers: Remainder of County Carpenters: Soft Floor Layers Avon, Holbrook, Randolph & Stoughton Bellingham, Franklin, Medfield, Medway & Mills Glaziers: S. Bellingham Ironworkers: Plainville & Cape Cod Remainder of County	.70	1.50		.05 .07	9.43 9.65
Asbestos Workers: Remainder of County Carpenters: Soft Floor Layers Avon, Holbrook, Randolph & Stoughton Bellingham, Franklin, Medfield, Medway & Mills Glaziers: S. Bellingham Ironworkers: Plainville & Cape Cod Remainder of County	.70	1.50		.05 .06	9.43 9.65

DECISION NO. MA75-2128 - Mod. #1 (40 FR 53198 - November 14, 1975) Worcester County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters: Soft Floor Layers: Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon Berlin, Bolton, Clinton, Northboro, Southboro, Westboro, Hopedale, Men- don, Milford, Upton, and W. Upton	\$10.00 9.20 9.15 8.68 9.99 9.40 8.30 10.28	.60 .60 .45 .52 .70 .45 .45 .60	.65 .60 .65 .85 1.50 .25 .25 .65			
Harwick, Warren & W. Brook- field Glaziers East Douglas Ironworkers: Remainder of County Lathers: Sturbridge & Warren Lathers Drywall Millwrights						
DECISION NO. MA75-2130 - Mod. #1 (40 FR 51408 - November 21, 1975) Suffolk County, Massachusetts						
Change: Asbestos Workers Electricians Iron Workers: Ornamental, Reinforcing & Structural Millwrights Roofers: Waterproofers Sheet Metal Workers	10.26 10.75 9.99 10.28 9.20 9.93	.80 .50 .70 .60 .70 .91	.80 12+11.35 1.50 .65 1.20 1.05			.01 .05 .06 .07 .05 .06

DECISION NO. NY75-4204 - Mod. #1 (40 FR 59167 - December 19, 1975) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: ASBESTOS WORKERS (Union, Hard- ing, Lea, Roosevelt, Curry, and Quay Counties) LATHERS - Zone 2 PLUMBERS-PIPEFITTERS Zone I Zone I-A Zone I-B Zone I-C Zone I-D Zone I-E PLUMBERS-PIPEFITTERS Zone II	\$9.50 8.75 9.34 9.74 10.19 10.64 11.09 9.97	.35 .59 .59 .59 .59 .59 .59 .59	.30 1.36 1.36 1.36 1.36 1.36 1.36 1.36			.02 .01 .12 .12 .12 .12 .12 .12
Decision No. NY76-3125-Mod. #1 (41 FR3630-January 23, 1976) Wayne County, New York						
Change: Electricians Townships of Huron, Walcott, Rose, and Butler	10.50	.60	1 1/4+.60			1 1/4

NOTICES

Decision #PA-2098 - Mod. # 7 (39 FR 44928 - December 27, 1974) Crawford County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters & Soft Floor Layers: Titusville Remainder of County	\$9.70 8.65	5%	8%	6%		.40 of 1%
Decision #PA-75-3077 - Mod. # 4 (40 FR 36957 - August 22, 1975) Warren County, Pennsylvania						
Change: Asbestos Workers Electricians Ironworkers	\$10.11 10.20 10.00	.82 4½% .78	.55 3½+1% .69			.04 ½ of 1% .13
Decision #PA-75-3079 - Mod. # 3 (40 FR 36965 - August 22, 1975) Venango County, Pennsylvania						
Change: Glaziers	9.41	.30	.20			
Decision #PA-75-3083 - Mod. # 4 (40 FR 36980 - August 22, 1975) Chester County, Pennsylvania						
Change: Electricians: Parkersburg, West Grove & West Chester	11.71	4.4%	1½+3%			½ of 1%
Decision #PA-75-3084 - Mod. # 5 (40 FR 36983 - August 22, 1975) Delaware County, Pennsylvania						
Change: Electricians	11.71	4.4%	1½+3%			½ of 1%

Decision #PA-75-3113 - Mod. # 2 (40 FR 57137 - December 5, 1975) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Laborers: General Laborers Operators of Jackhammer Wagon drill Handling of all materials Laborers assisting tile Handling & using dynamite Caisson Work (Top Men) Caisson Work (Bottom Men) Mixer Man	\$6.05 6.25 6.35 6.20 6.10 6.38 6.30 6.50 6.45	.40 .40 .40 .40 .40 .40 .40 .40 .40	.30 .30 .30 .30 .30 .30 .30 .30 .30			

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MD-76-3140 - Mod. # 2 (41 FR 3603 - January 23, 1976) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia					
<u>Change:</u> Glaziers	\$9.78	.56	.45		.05
<u>Add:</u> Divers Diver Tender	18.125 10.75	.50 .50	.49 .49		.07 .07
Decision #DC-76-3000 - Mod. #2 (41 FR 2620 - January 16, 1976) Washington, D. C.					
<u>Change:</u> Glaziers	\$9.78	.56	.45		.05
<u>Add:</u> Divers Diver Tender	18.125 10.75	.50 .50	.49 .49		.07 .07

TEMPERATURE DECISION

STATE: Alabama
 COUNTY: Madison
 DATE: Date of Publication
 DECISION NO.: AL76-1026
 Supersedes Decision No.: AL75-1063 dated June 20, 1975 in MO FR 26488
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

AL76-1026 - (Cont'd)

POWER EQUIPMENT OPERATORS
(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	8.61	.30	.30		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.20				.03
Carpenters	7.86				.03
Cement masons	6.75				.03
Electricians; Linemen	8.75	.40	1%+.30		1%
Glaziers	6.00				
Ironworkers:					
Reinforcing	7.605	.40	.25		.03
Structural	7.605	.40	.25		.03
Laborers:					
Laborers, Mason tenders	4.52	.20	.30		
Air tool op. (jackhammer, vib- rator), Mortar mixers	4.77	.20	.30		
Millwrights	7.88				.03
Painters:					
Commercial	7.00		.20		.05
Industrial	7.75		.20		.05
Plumbers; Pipefitters	8.90	.45	.45		.10
Roofers	4.85				
Sheet metal workers	9.25	.50	.50		.05
Truck drivers	3.67				
GROUP A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators					
GROUP B - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators					
Oiler driver - additional \$.10 per hour					
All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional \$.25 per hour.					

POWER EQUIPMENT OPERATORS:

Group A
 Group B
 Group C

GROUP A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

SUPERSEDES DECISION

STATE: Alabama
 COUNTY: Tuscaloosa
 DECISION NO.: AL76-1027
 DATE: Date of Publication
 Supersedes Decision No.: AL75-1048 dated April 18, 1975 in 40 FR 17475
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Asbestos workers	7.71	.30	.30		.05
Bricklayers, Marble masons, Stonemasons	8.15		.20		.05
Carpenters	6.95				.015
Cement masons	5.175		1%+.40		$\frac{1}{2}$ of 1%
Electricians	9.10	.30	.20		.04
Glaziers	6.85	.20	.25		
Ironworkers	7.775	.42			
Laborers:					
Laborers	3.15	.15	.10		
Mason tenders	3.15	.15	.10		
Mortar mixers	3.25	.15	.10		
Millwrights	6.20				.015
Painters, brush	6.10				
Plasterers	5.175				
Plumbers: Steamfitters	8.85	.30	.35		.05
Roofers	5.45		.20		.05
Sheet metal workers	9.00	.45	.40		.05
Soft floor layers	5.45				
Tile setters	7.90		.20		.05
Truck drivers	2.50				
<u>POWER EQUIPMENT OPERATORS:</u>					
Tractors, farm	3.50				
Scrapers	4.00				
Bulldozers, Front end loader	5.00				
Pumps	5.64				
Oilier	6.25	.20	.20		
Cranes, lift truck	7.60	.20			

SUI REDEAS DECISION

STATE: Illinois
 COUNTY: Sangamon
 DECISION NUMBER: IL76-2017
 DATE: Date of Publication
 Supersedees Decision No. IL75-2107, dated August 29, 1975 in 40 FR 40014
 DESCRIPTION OF WORK: Building (Including Residential), Construction.

DECISION NO. IL76-2017

PAID HOLIDAY: (WHERE APPLICABLE)
 A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $\frac{1}{2}\%$ of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 year. Employer contributes 2% of regular hourly to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked $\frac{1}{2}$ full days during the 120 calendar days prior to the Holiday, and the regular schedule work immediately preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$11.38	.45	.62			.03
BOILERMAKERS	10.05	.65	1.10			
BRICKLAYERS:						
Bricklayers; Stonemasons,	8.90	.40	.50			.02
Marble-Tile-Terrazzo Workers;						
Pointers; Caulkers & Cleaners			.45			.06
CARPENTERS:			.45			.06
Residential			.45			.06
Housing - 1 & 2 Family Dwellings	6.80	.45	.45			.06
Apartments	7.55	.45	.45			.06
Building			.45			.06
Carpenters & Soft Floor Layers	9.20	.45	.45			.06
Millwrights & Piledrivers	9.70	.45	.45			.02
CEMENT MASONS	9.08	.35	.35			.25
ELECTRICIANS	9.87	.40	1 $\frac{1}{4}$ +.30			
ELEVATOR CONSTRUCTORS:						
Constructors	8.535	.45	.29	$\frac{3}{8}$ +a+b		.02
Helpers	70%JR	.45	.29	$\frac{3}{8}$ +a+b		.02
Helpers (Prob.)	50%JR					
GLAZIERS	8.80	.25	.15			.05
IRONWORKERS	9.50	.55	.70			.01
LATHERS	9.10					
LEADWORKERS	9.25	.35				
PAINTERS:						
Brush & Roller	8.20	.45	.15			.01
Spray	8.70	.45	.15			.07
PLASTERERS	8.85	.35	.30			
PLUMBERS & STEAMFITTERS	9.91	.35	.55			
ROOFERS:						
Composition	10.83					
Slate-Tile & Precast Slab	11.08					
SHEET METAL WORKERS	9.69	.35	.25	.25		.05
SPRINKLER FITTERS	10.55	.50	.70			.08

Welders - receive rate pre-scribed for craft performing operation to which welding is incidental.

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. IL76-2017

III-27-IAB-1

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
UNSKILLED	\$ 8.15	.35	.35		.035
SEMI-SKILLED	8.35	.35	.35		.035
SKILLED	8.50	.35	.35		.035

LABORERS:

UNSKILLED All Sewer Workers plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenter Tenders; Cleaning Lumber; Cofferdam Workers plus depth pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes; Stringlines for all machinery; Fencing Laborers; Firemen or Salaried Tenders; Fireproofing Fire Shop Laborers; Flagmen; Form Handlers; Gravel Box Men, Dumpmen & Spotters; Janitors; Laborers w/de-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip-Rap Men; Rod & Chainmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading & Carrying Lath; Unloading & Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers; Writer of Scale Tickets

SEMI-SKILLED Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica; Fly Ash; Lime & Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle Tar Men; on Concrete Paving, Placing, Cutting & Typing of Reinforcing; Signal Man on Crane; Tank Cleaners; Tunnel Helpers in Free Air

SKILLED Air Tamping Hammerman; Caisson Workers plus depth pay; Concrete Boring Machine Operator; Concrete Saw Operator; Coring Machine Operator; Cub Asphalt Machine Operator; Gumite Nozzle Men; Jackhammer & Drill Operators; Laborers handling Masterplate or similar materials; Laborers tending Mascons with hot material or where foreign materials are used for wet concrete or handling of Building Materials; Multiple Concrete Duct - Loadman; Plasterer Tenders; Ready Mix Scaleman, Portable or Temporary Plant; Screeman on Asphalt Pavers; Steel Form Setters (Street & Highway); Vibrator Operators; Cutters, Burners & Torchmen.

III-5-PEO-1-2-3

DECISION NO. IL76-2017

POWER EQUIPMENT OPERATORS:**CLASS I****CLASS II****CLASS III**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$ 9.75	.30	.40		.05
CLASS II	8.75	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspec concrete spreaders, asphalt pavers, asphalt rollers on bituminous concrete, atchey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth auger boring machines, levating graders, engineers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more leadlines locomotives (all) mechanics, motor graders or auto patrols, operators on levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, over-head cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, rock carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test hole drilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelbudders, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post hole diggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL76-2017

ILL-02-TD-1-2-3

TRUCK DRIVERSGROUP I
GROUP II
GROUP III

Basic Hourly Rates	Fringe Benefits ^a Payments			
	H & W	Pensions	Vacation	App. Tr.
\$8.85	.50	a14.00		
9.25	.50	a14.00		
9.45	.50	a14.00		

TRUCK DRIVERSGROUP I:

Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:

2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:

2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:

a.-Per Week Per Employee.

DECISION NO IL76-2018

COUNTY: See Below
 DATE: Date of Publication
 SUPERSEDES DECISION NO. IL75-2043, dated February 28, 1975 in 40 FR 8736
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

STATE: Illinois
 DECISION NUMBER IL76-2018
 SUPERSEDES DECISION NO. IL75-2043, dated February 28, 1975 in 40 FR 8736
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, Williamson	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ASBESTOS WORKERS: Alexander; Jackson; Jefferson; Perry & Union Counties Remaining Counties	\$11.38 10.09 10.05	.45 .35 .65	.62 .30 1.10			.03 .03 .03
BOILERMAKERS BRICKLAYERS Jackson & Perry Counties: Bricklayers; Stonemasons; Terrazzo & Tile Workers. Remaining Counties: Bricklayers; Marble; Tile; Terrazzo Workers; Stonemasons; Cement Blocklayers; Pointers; Caulkers & Cleaners	9.35 9.20	.40 .35	.40 .35			.03 .03
CARPENTERS: Hamilton; Jefferson; White Cos; Carpenters, Piledriversmen & Soft Floor Layers Millwrights Remaining Counties: Carpenters, Millwrights, Soft Floor Layers & Piledriversmen	8.56 8.91 8.00	.45 .45 .35	.50 .50 .35			.02 .02 .02
CEMENT MASONS & PLASTERERS: Franklin; Hamilton; Jefferson; Williamson Counties Saline, Gallatin; Hardin; Pope; Johnson; Massac & White Cos. Alexander; Jackson; Perry; Pulaski & Union Counties	8.00 8.15 8.30 10.80	.30 .15 .40 .55	.35 .15 .65 .75			.02 .02 .02 .02
ELECTRICIANS IRONWORKERS: Perry; Jefferson (Mt. Vernon & All Area West thereof) White; Hamilton; Saline (Vicinity of El Dorado & Area North east) Jefferson (all areas East of Mt. Vernon) Alexander; Franklin; Gallatin; Hardin; Jackson; Johnson; Massac, Pope; Pulaski; Union; Williamson	10.00 8.15 8.45	.55 .25 .45	.75 .25 .50			.02 .02 .02
LABORERS: Hamilton; Jefferson; White Cos. Remaining Counties LEADWORKERS PAINTERS: Union County: Commercial Industrial White County: Brush & Roller Spray & Sandblast Massac County: Brush & Roller Spray & Sandblast Jackson & Perry Counties: Commercial Industrial Franklin & Williamson Counties: Commercial Industrial Gallatin; Hartin; Pope; Saline Counties: Brush Structural Steel & Drywall Spray Alexander; Johnson & Pulaski Cos: Commercial Industrial PLUMBERS & STEAMFITTERS: White County: Crossville; Philliptown; Maunie & Emma Remainder of County Alexander; Hardin; Massac; Jackson; Johnson; Perry; Pope; Pulaski; Union Franklin; Hamilton; Jefferson; Saline; Williamson & Gallatin Counties ROOFERS: Gallatin; Hardin & White Cos. Remainder of Counties	\$ 7.20 7.30 9.25 7.25 7.75 7.75 8.50 6.35 7.25 7.90 8.45 6.95 7.20 5.15 5.40 5.50 5.75 7.00 11.05 10.98 10.35 10.45 8.68 7.20	.30 .30 .35 .55 .55 .25 .25 .40 .40 .30 .35 .40 .25 .60 .60 .30 .35 .40 .55 .25				.035 .035 .01 .04 .04 .04 .04

DECISION NO. 1176-2018

DECISION NO. 1176-2018

ILL-2-PEO-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.93	.25	.25	6%	.02
10.55	.50	.70		.08

SHEET METAL WORKERS
SPRINKLER FITTERS

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular schedule work days immediately preceding & following the Holiday.

POWER EQUIPMENT OPERATORS:

JEFFERSON & PERRY COS.

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

GROUP VI

a.

b.

c.

d.

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant ops., plant ops., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or fireman is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and board ops., (25' & over), Motor graders or pushcats, scoops or toumappulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats ops., (under 25'), conveyors (1), distribution ports, on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monogans, large cranes, etc.

GROUP V Oilers

GROUP VI

- Engineers operating under air pressure
- Engineers operating in air over 10 lbs pressure
- Oilers operating under air pressure
- Oilers operating in air over 10 lbs pressure

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.33	.12	.90		.05
9.50	.12	.90		.05
8.85	.12	.90		.05
8.75	.12	.90		.05
8.50	.12	.90		.05
12.18	.12	.90		.05
12.78	.12	.90		.05
10.60	.12	.90		.05
11.10	.12	.90		.05

NOTICES

DECISION NO. 1176-2018

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination of 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over; dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

ILL-17-P50-1-2-3

DECISION NO. 1175-2018

POWER EQUIPMENT OPERATORS
REMAINDER OF COUNTIES

Class 1
Class 2
Class 3
Class 4
Class 5
Class 6
Class 7
Class 8
Class 9
Class 10

RIVER WORK and LEVEE WORK ON
MISSISSIPPI and OHIO RIVERS

Class 11
Class 12

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$9.00	.40	.60		.035
8.25	.40	.60		.035
8.00	.40	.60		.035
7.70	.40	.60		.035
7.30	.40	.60		.035
8.25	.40	.60		.035
8.00	.40	.60		.035
7.50	.40	.60		.035
7.45	.40	.60		.035
7.20	.40	.60		.035
8.90	.40	.60		.035
7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apcco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozor or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment grader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. TL76-2018

ILL-82-TD-1-2-3

TRUCK DRIVERSGROUP I
GROUP II
GROUP III

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$8.85	.50	a14.00	
9.25	.50	a14.00	
9.45	.50	a14.00	

TRUCK DRIVERSGROUP I:

Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:

2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:

2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:

a.-Per Week Per Employee.

STATE: Kentucky COUNTY: Franklin
 DECISION NO.: KY76-1028
 DATE: Date of Publication
 SUPERSEDES DECISION NO.: A9-4101 dated April 19, 1974 in 39 FR-14113
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	9.71	.35	.40			
Boilermakers	8.10	.30	.70	.55	.01	
Bricklayers	8.65	.25	.25			
Carpenters	9.25	.30	.30		.03	
Cement masons	9.15				$\frac{1}{2}$ of 1%	
Electricians	9.90	.40	1% + .50		.02	
Elevator constructors	9.20	.445	.29	36-a&b		
Glaziers	7.80					
Ironworkers:						
Structural, ornamental	9.50	.55	.65		.05	
Reinforcing	9.50	.55	.65		.05	
Millwrights	9.75	.30	.30		.03	
Painters:						
Brush	7.80					
Spray	8.55					
Piledrivermen	9.75	.30	.30		.03	
Plasterers	8.15					
Plumbers & Steamfitters	9.60	.25	.60	0	.02	
Roofers	7.00	.50	.20			
Sheet metal workers	8.97	.60	.60		.07	
Tile setters	6.95	.15	.10	.25		
Tile setters helpers	5.95					
Welders - rate for craft.						

KY76-1028 - (Cont'd)

LABORERS

GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

GROUP 1: General laborers, water boys, tool room checkers, rodman, grade checker

GROUP 2: Air tool operator, vibrators, power driven georgia buggy, chain saw, all air tools, bush & chipping hammer, pipe layers, joint makers, asphalt rakers, gunnite laborers, batcher plant & scale men, scow man & deck hand concrete saw, sand blaster, sweeper & cleaner machines, introflax burning rod.

GROUP 3: Mason tenders and plaster tender

GROUP 4: Gunnite nozzle man, sandblaster, nozzle men

GROUP 5: Powderman and blaster

GROUP 6: Tunnel man & tunnel sand miner

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
5.95	.30	.30			
6.35	.30	.30			
6.35	.30	.30			
6.55	.30	.30			
6.65	.30	.30			
7.20	.30	.30			

KY76-1028 - (Cont'd)

POWER EQUIPMENT OPERATORS

CLASS A
CLASS B
CLASS C

Basic Hourly Rates	Fringe Benefits Payments			App. Yr.
	H & W	Pensions	Vacation	
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		

CLASS A: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher pult, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoist machine, hoisting engine (2 or more drum) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orange peel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hopko, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hystor, pump-crate, roos carrier, side boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoop mobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurnies, sub-grader.

CLASS B: All air compressor (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H.P. and over) bull float, finish machine, outboard motor boat, flexoplane, firemen, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, winch oiler, self propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building materials), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C: Bituminous distributor, cement gun, conveyor, mud jack, joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deck-hand oiler, hydraulic post driver, and drill helper

KY76-1028 - (Cont'd)

TRUCK DRIVERS:

3 tons and under

Over 3 tons, semi-trailer, or pole trailers, dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment

Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)

Greaser tire changer and mechanic s helpers

Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck, when used inside warehouse or storage area

Footnotes:

a. Employer contributes \$13.50 per week for employee who has been employed 20 work days within 90 consecutive days.

b. Employer contributes \$14.00 per week for employee who has been employed 20 work days within 90 consecutive days.

Kentucky 31-FD-1-B

Basic Hourly Rates	Fringe Benefits Payments			App. Yr.
	H & W	Pensions	Vacation	
6.47	a	b		
6.58	a	b		
6.65	a	b		
6.47	a	b		
6.75	a	b		

STATE: Iowa
 COUNTIES: Carroll, Clay, Crawford,
 O'Brien & Osceola
 DECISION NO.: IA76-4053
 DATE: Date of Publication
 Supersedes Decision No. AM-6712, dated April 14, 1972, in 37 FR 7429.
 DESCRIPTION OF WORK: Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVMEN	\$ 4.00				
CEMENT MASONS	3.40				
LABORERS:					
GROUP 1	3.35	.10			
GROUP 2	3.10	.10			
GROUP 3	2.85	.10			
GROUP 4	2.70	.10			
GROUP 5	2.60	.10			

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air; All work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill operator of air tracs, wagon drills & similar drills
 GROUP 2 - Tree climber; Form setters; Bakers; Bortenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scaler; Timbermen; Underpinning & shoring; Caissons (over 12 ft.); Grade checker & cutting torches on demolition work
 GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & joiner & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers
 GROUP 4 - Form tamper; Air, gas & electric tool operator, vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers
 GROUP 5 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	\$ 4.10	.20	.10		
GROUP 2	4.00	.20	.10		
GROUP 3	3.70	.20	.10		
GROUP 4	3.50	.20	.10		
GROUP 5	3.30	.20	.10		
GROUP 6	3.05	.20	.10		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel & crane type equipment (over 1/2 CY); Central mix plant operator (concrete 5 CY & over); Dredge operator & leverman; Concrete mixer-paver operator; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine
 GROUP 2 - Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment under 1/2 CY); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 CY truck cap.); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or roter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 CY)
 GROUP 3 - Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapull (DW 10 & all similar equipment under 10 CY truck cap.); Paving breaker (drop or pneumatic); Spread box (self-propelled or tractor-pushed); Subgrade stab. (PAH & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver
 GROUP 4 - Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat operator; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler
 GROUP 5 - Boiler (single); Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepfoot roller); Welding machine; Pump operator (other than dredge); Boom & winch truck; Hydro seeder operator; Mulcher blower operator
 GROUP 6 - Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 CY); Farm tractor pulling pneumatic roller; Farm tractor with attachments

DECISION NO. IA76-4053

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
GROUP 1	\$ 2.80				
GROUP 2	2.90				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - Truck drivers (not otherwise specified); Warehousemen; Drivers on:
4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcetes
& scoomobiles

GROUP 2 - Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on:
Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls
or similar equipment used for transportation, pavement breakers, pole trailers,
air compressors & welding machines, including those pulled by separate units

SUPERSEDEAS DECISION

STATE: Maryland

COUNTIES: Allegany And Garrett

DECISION NO.: 76-MD-3141

DATE: Date of Publication

Supersedeas Decision No. AR-2091 dated November 29, 1974 in 39 FR 41651

DECISION NO. MD76-3141

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Asbestos Workers	.35	.70			
Boilermakers	.60	.70			.02
Bricklayers	.45	.40			.01
Carpenters	.45	.25			.02
Cement Masons	.45				
Electricians:					
Allegany County	.30	1 1/4 .25			1%
Garrett County	.30	1 1/4 .25			1%
Elevator Constructors' Helpers	.445	.29	3 1/4 .25		.02
Elevator Constructors' Helpers (probationary)	.445	.29	3 1/4 .25		.02
Ironworkers:					
Structural, Ornamental and Reinforcing	.50	.60			
Laborers:					
Unskilled, landscape worker	.40	.60			
Power tool oper., mason & plasterer tender, mortar mixer (by hand), scaffold builder, hod carrier, concrete puddler, rammer & pipelayer	.40	.60			
Mortar mixer (machine)	.40	.60			
Blastor-dynamite, wagon drill (air track)	.40	.60			
Lathers	.50	.35			.01
Linenmen - Allegany County:					
Equipment Operator	.30	1 1/4 .25			1%
Truck driver, groundmen (experienced)	.30	1 1/4 .25			1%
Groundman (1st year)	.30	1 1/4 .25			1%
Linenmen - Garrett County:					
Equipment Operator	.30	1 1/4 .25			1%
Truck driver, groundmen (experienced)	.30	1 1/4 .25			1%
Groundmen (1st year)	.30	1 1/4 .25			1%
Marble Masons	.45	.40			.02
Millwrights		.25			
Painters:					
Brush, rollers, wall covering hangers		.25			
Spray & Sandblasting	.45	.25			.02
Piledrivers	.35				
Plasterers	.50	.40	1.00		
Plumbers & Steamfitters					
Roofers:					
Composition	.45	.40			
Mopmen - composition	.45	.40			
Helpers - composition (1st year)	.45	.40			
Helpers - composition (2 year)	.45	.40			
Slaters	.45	.25			.02
Sheet Metal Workers	.50	.70			.08
Sprinkler Fitters		.40			
Stone Masons		.40			
Terrazzo Workers		.40			
Tile Setters		.40			

DECISION NO. MD76 3141

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP 1
Hourly additional pay for long
boom cranes (including jibs),
pile driver machines with leads:
130' to 169' plus \$.40
170' to 209' " .60
210' to 249' " .80
250' and over " 1.00

GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6

1-MD-PED-1-I

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.40	.50	.50	a	.07
8.01	.50	.50	a	.07
7.69	.50	.50	a	.07
7.47	.50	.50	a	.07
7.36	.50	.50	a	.07
7.04	.50	.50	a	.07

FOOTNOTE: a. 7 paid holidays- New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick hoist, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), Elmaco type overhead loader, wellpoint system, mighty midjet with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 C.F.M.)

DECISION NO. MD76 3141

BUILDING CONSTRUCTION:

TRUCK DRIVERS

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 7.04	.45	.50		
7.19	.45	.50		
7.39	.45	.50		
7.59	.45	.50		
7.82	.45	.50		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen

GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks

GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

GROUP 4 - Dump trucks (10 to 15 yd., capacity)

GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, atkey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcetes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

DECISION NO: MD76-3143

Supercedes Decision No. AR-2086, dated November 11, 1974 in 39 FR 41127
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) and Heavy Construction (excluding sewer and water lines).

COUNTY: Anne Arundel

INTE: Date of Publication
11, 1974 in 39 FR 41127

DECISION NO. MD76-3143

BUILDING & HEAVY CONSTRUCTION

BUILDING & HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Asbestos Workers	\$ 7.90	.60	.75	.02
Boilermakers	9.40	.60	.90	.02
Bricklayers:				
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50	.07
Remainder of County	8.95	.25		
Carpenters:				
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54	.05
Remainder of County	8.50	.35	.39	.07
Cement Masons:				
North of and including Benfield, Arminger and Pasadena but excluding the D. C. Training School	8.62	.25	.30	.07
The D. C. Training School	9.90	.335	.35	
Remainder of County	8.95	.25		
Electricians	9.60	.60	1 1/4 .60	3/4
Elevator Constructors	8.725	.445	.29	.02
Elevator Constructors' Helpers	6.11	.445	.29	.02
(probationary)				
Glaziers:	4.36			
Glaziers	7.90	.25	.40	
Swinging scaffold or boson chair	8.15	.25	.40	
Ironworkers:				
Structural, ornamental, rodmen, finishers, pre-cast & pre-stress erectors	9.07	.70	1.35	.04
Sheeters	9.32	.70	1.35	.04
Laborers:				
Unskilled	5.75	.275	.30	.05
Mod carriers	6.15	.275	.30	.05
Plasterers' laborers	5.90	.275	.30	.05
Power tool operator	5.85	.275	.30	.05
Pipelayers	5.95	.275	.30	.05
Wagon Drill operator	6.00	.275	.30	.05
Mason tenders	6.65	.30	.40	.075
Scaffold builders	6.85	.30	.40	.075

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Loathers	9.09	.35		.01
Lead Burners	9.25		c	.01
Line Construction:				
Linemen, Cable Splicers	10.45	1 1/2		1 1/2
Groundmen (experienced)	6.61	1 1/2		1 1/2
Marble Setters:				
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40		.07
Remainder of County	8.95	.25	g	
Millwrights:				
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	8.20	.60	.54	.05
Remainder of County	8.81	.35	.39	.07
Painters:				
Brush	7.445	.45		.05
Structural steel, spray (steel), steamcleaning & sandblasting	7.945	.45		.05
Speckling, taping & wall coverings	7.595	.45		.05
Spray (except steel)	7.695	.45		.05
Piledrivers:				
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54	.05
Remainder of County	8.665	.35	.39	.07
Plasterers:				
The D. C. Training School	9.27	.45		.06
Remainder of County	8.95	.25		
Plumbers	8.68	.35	.45	.10
Roofers:				
Roofers, damp & waterproofers	6.40	.35	.40	.05
Slate, tile, asbestos & asphalt	6.85	.35	.40	.05
Pre-cast & wood block	7.40	.35		.05

NOTICES

DECISION NO. MD76-3143

BUILDING & HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits-Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.17	.55	.50		.05
Sheet Metal Workers: All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arming and Fort Smallwood				
8.10	.60	.54		.05
8.50	.35	.39		.07
9.40	.50	.70		.08
8.41	.45	.60		.12
Sprinkler Fitters Steamfitters Stone Masons: From Bodkin Point including Fort Meade but excluding the D. C. Training School Remainder of County				
9.00	.40	.50		.07
8.95	.25			
Terrazzo Workers: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County				
7.26	.40	.40		.04
9.33	.40	.30		
8.95	.25			
Terrazzo Workers Helpers: The D. C. Training School Remainder of County				
8.05	.40	.40		
6.50	.30	.20		
Tile Setters: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County				
7.26	.40	.40		.04
9.33	.40	.30		
8.95	.25			
Tile Setters Helpers: The D. C. Training School Remainder of County				
7.59	.40	.40		
6.00	.20	.20		
Truck Drivers: Goose-necks, drop frame trailers All A-Frames, vane trucks, fork lifts and trailers Flat beds and pick-ups				
8.35	.65	.45	d+e	
8.15	.65	.45	d+e	
7.40	.65	.45	d+e	
6.80	.65	.45	d+e	
Mixers with agitator of 12 yds. capacity				

BUILDING & HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits-Payments			App. Tr.
	H & W	Pensions	Vacation	
7.23	.65	.45	d+e	
6.70	.65	.45	d+e	
6.39	.65	.45	d+e	
Truck Drivers (excavation): Dump trucks Dump trucks Dump trucks Dump trucks Drop frame, goose neck & trailer Pick-up				
6.39	.65	.45	h+j	
6.70	.65	.45	h+j	
6.59	.65	.45	h+j	
6.21	.65	.45	h+j	

Welders - receive rates prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- Employee with one year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
- Holidays: A through F plus the employee's birthday, the day after Thanksgiving and Christmas Eve, provided the employee has worked one day and has been available for work during the holiday week.
- \$37.92 per man per month.
- One paid holiday: Christmas Day.
- Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
- Holidays: A through F plus Good Friday, Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.

DECISION NO. MD76-3143

BUILDING & HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits-Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.17	.55	.50		.05
Sheet Metal Workers: All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arming and Fort Smallwood				
8.10	.60	.54		.05
8.50	.35	.39		.07
9.40	.50	.70		.08
8.41	.45	.60		.12
Sprinkler Fitters Steamfitters Stone Masons: From Bodkin Point including Fort Meade but excluding the D. C. Training School Remainder of County				
9.00	.40	.50		.07
8.95	.25			
Terrazzo Workers: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County				
7.26	.40	.40		.04
9.33	.40	.30		
8.95	.25			
Terrazzo Workers Helpers: The D. C. Training School Remainder of County				
8.05	.40	.40		
6.50	.30	.20		
Tile Setters: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County				
7.26	.40	.40		.04
9.33	.40	.30		
8.95	.25			
Tile Setters Helpers: The D. C. Training School Remainder of County				
7.59	.40	.40		
6.00	.20	.20		
Truck Drivers: Goose-necks, drop frame trailers All A-Frames, vane trucks, fork lifts and trailers Flat beds and pick-ups				
8.35	.65	.45	d+e	
8.15	.65	.45	d+e	
7.40	.65	.45	d+e	
6.80	.65	.45	d+e	
Mixers with agitator of 12 yds. capacity				

DECISION NO. MD7C-3143

POWER EQUIPMENT OPERATORS
Building and Heavy Construction

Group 1
Group 2:
Group 3
Group 4
Group 5
Group 6:
a
b
c
d
e

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.93	.65	.65	a	.10
7.48	.65	.65	a	.10
7.37	.65	.65	a	.10
7.25	.65	.65	a	.10
7.14	.65	.65	a	.10
6.97	.65	.65	a	.10
6.80	.65	.65	a	.10
6.62	.65	.65	a	.10
6.30	.65	.65	a	.10
6.09	.65	.65	a	.10
5.98	.65	.65	a	.10

FOOTNOTE:

a. Paid Holidays - New Year's Day;
B-Memorial Day; C-Independence
Day; D-Labor Day; E-Thanksgiving
Day; F-Christmas Day.

DECISION NO. MD7C-3143

POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130" to 169"

Group 6b: 170" to 209"

Group 6c: 210" to 249"

Group 6d: 250" to 299"

Group 6e: 300" and over

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1 1/2 yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Emco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whirley rig.

Group 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1 1/2 yds. and under), concrete mixer (with skip), concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), Hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screening machine, stone crusher, stone sprayer, sub-grader, tractor with attachments (2 or more provided both attachments are being used).

SUPERSIDEAS DECISION

STATE: Texas
DECISION NO.: TX76-4045
COUNTY: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX75-4201, dated December 5, 1975, in 40 FR
DESCRIPTION OF WORK: Building (including Residential) Construction

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
BASIC HOURLY RATES	.70	.70		.06
\$ 8.95 Jefferson County	.425	.50		.04
Orange County	.50	.76		.02
BOILERMAKERS	.275	.30		.04
BRICKLAYERS & STONEMASONS				
CARPENTERS:				
Carpenters:		.30		.05
Commercial				
Residential construction of				
not more than two units and				
condominium townhouses of not				
more than six units, excluding				
all apartments construction				
and multiple buildings for				
rental purposes		.30		
MILLWRIGHTS	7.45			
Piledrivermen	8.605			
CEMENT MASONS	7.96	.30		
ELECTRICIANS	8.40	17-4.285		.06
ELEVATOR CONSTRUCTORS	9.60	.32	4%+ab	.02
ELEVATOR CONSTRUCTORS' HELPERS	8.60	.32	4%+ab	.02
ELEVATOR CONSTRUCTORS' HELPERS	77%JR			
(PROB.)	50%JR	.70		.10
IRONWORKERS	8.25			
LABORERS:				
GROUP 1 - Common laborer; as-				
-phalt ironer & raker; sand-				
-blaster, exclusive of prepara-				
-tion for painters; dumper,				
spotter & wagon drill; powder-				
man-blaster; well driller	5.69	.30		.02
GROUP 2 - Carpenter tender	5.74	.30		.02
GROUP 3 - Cement masons tender;				
air tool operator (jackhammer-				
vibrator)	5.79	.30		.02
GROUP 4 - Mortar Mixers, hod				
carriers & mason tender; plas-				
-ter & lather tender; pipelayers,				
non-metallic pipe, including				
handling & laying pumpcrete				
pipe	5.94	.30		.02

DECISION NO. TX'6 4045

Basic Hourly Rates		Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
PAINTERS (CONT'D):						
Northern half of Jefferson County (Cont'd.):						
GROUP 3 - Brush, steel:		\$ 8.40				
Commercial						
GROUP 4 - Spray:						
Commercial		8.65				.08
Residential		8.40				.03
PIPEFITTERS		9.04	.35	.62		.03
PLASTERERS		9.00	.42	.30		.03
PLUMBERS		8.84				.08
ROOFERS:						.04
Roofers		7.89	.20	.25	.15	
Kettlemen		7.02	.20	.25	.15	
Helpers		5.08	.20	.25	.15	
SHEET METAL WORKERS		9.01	.40	.15		
SPRINKLER FITTERS		10.10	.50	.80		
TILE SETTERS		8.60	.275	.30		
TRUCK DRIVERS:						
GROUP 1 - Under 1½ ton and wash, grease, tireman; fuel pump operators when used on construction		4.40				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver		4.69				
GROUP 3 - Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts		4.85				
GROUP 4 - Euclids (not self-loading)		4.95				
GROUP 5 - Warehousemen - material checker		4.965				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						
FOOTNOTES:						
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate						
b - Paid Holidays A thru F						
PAID HOLIDAYS:						
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

DECISION NO. TX'6-4045

POWER EQUIPMENT OPERATORS

GROUP 1
GROUP 2
GROUP 3
GROUP 4

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$ 9.115		.25			
7.75		.25			
7.18		.25			
6.99		.25			

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Hay; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix Mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Fingerlift Operator; Well points

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oilier

NOTICES

KLEBERG IDEAS DECISION

STATE: Texas

COUNTIES: Kleberg & Nueces

DECISION NO.: TX76-4046

DATE: Date of Publication

Supersedes Decision No. TX75-4185, dated November 7, 1975, in 40 FR 52275

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX76-4046

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 8.44	.35	.50			.02
BOILERMAKERS	8.00	.50	.76			.02
BRICKLAYERS	7.28	.18	.15			.03
CARPENTERS:	6.74	.27	.30			1%
Millwrights	8.05					
CEMENT MASONS	7.30					
ELECTRICIANS:	8.45	.35	1%			1/2%
Electricians	8.575	.35	1%			1/2%
Cable splicers	5.34	.55	.20			.04
GLAZIERS (excluding Kleberg Co.)	6.44		.40			
IRONWORKERS						
LABORERS:						
GROUP 1 - General laborer (any work not specifically defined herein)	4.35	.28	.10			
GROUP 2 - Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers; Power tool operators - includes paving buster, jackhammer, chipping gun, air tamper, barrier tamper, electric vibrator, air or gasoline driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers	4.55 4.70	.28 .28	.10 .10			
GROUP 3 - Pipe wrappers & dopers						
GROUP 4 - Gunnite nozzlemen; Powderman or blaster	4.80 7.75	.28 .30	.10 .20	1.00		.01
LATHERS						
LINE CONSTRUCTION:						
Linemans	8.40	.40	1%			1/2%
Cable splicer	8.525	.40	1%			1/2%
Groundman (1st year)	4.20	.40	1%			1/2%
Groundman	5.23	.40	1%			

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
MARBLE SETTERS	\$ 7.08					.02
MARBLE SETTERS' HELPERS	4.87					
PAINTERS:	6.83	.25	.25			2/10%
Brush	7.23	.25	.25			2/10%
Spray	7.08	.25	.25			2/10%
Sign	8.65					.01
PLASTERERS	7.75	.25	.25			.035
PLUMBERS & STEAMFITTERS						
ROOFERS:						
Roofers; Kettlemen; Waterproofers;	5.925		.20			.01
Deckmen	7.67	.23	.25			.03
SHEET METAL WORKERS	6.74	.27	.30			.08
SOFT FLOOR LAYERS	10.10	.50	.80			.02
SPRINKLER FITTERS	7.08					
TERRAZZO WORKERS						
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.87					
Floor machine operators	5.07					
Base machine operators	5.22					
TILE SETTERS	7.08					
TILE SETTERS' HELPERS	4.87					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

DECISION NO. TX76-4246

Page 3

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
POWER EQUIPMENT OPERATORS						
GROUP 1	\$ 6.65	.18	.45			
GROUP 2	5.825	.18	.45			
GROUP 3	5.225	.18	.45			
GROUP 4	5.375	.18	.45			

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Air Compressor over 125 CFM, gasoline or diesel powered; Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Dozer; Cableway; Clamshell; Crane, power operated (all types); Crusher; Derrick, power operated (all types); Dragline; Elevating Grader; Elevator, outside the building; Euclids, and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine, Tugboat (on construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; All other equipment of similar nature coming within the Heavy Equipment Class when power operated; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Pileplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsonometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon Drill; Welding Machines (3 to 6) other than electric; All other equipment of similar nature coming within the Light Equipment Class when power operated

GROUP 3 - Oilers, 1st year

GROUP 4 - Oilers, 2nd year

SUPERSEDEAS DECISION

COUNTY: Lubbock

DECISION NO. TX76-4047

STATE: Texas

DATE: Date of Publication

DECISION NO.: TX76-4047

DATE: 7, 1975, in 40 FR 5277.

Supersedes Decision No. TX75-4186, November 7, 1975, in 40 FR 5277.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.50	.35	.30			.02
8.00	.50	.76			.02
8.50	.30	.30			.01
7.55	.30	.40			
6.50					
8.35	.40	1%			1/10%
8.60	.40	1%			1/10%
7.73	.55	.70			.10
7.855	.55	.70			.10
ASBESTOS WORKERS					
BOILERMAKERS					
BRICKLAYERS & STONEMASONS					
CARPENTERS					
CEMENT MASONS					
ELECTRICIANS					
Electricians					
Cable splicers					
IRONWORKERS:					
Structural; Ornamental; Reinforcing					
All ironworkers on jobs 30 miles or more from the city of Lubbock					
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, re-inforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below					
GROUP 2 - Air tool operator (jack-hammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipe-layer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe					
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders					
GROUP 4 - Wagon drill					
GROUP 5 - Blasters & powder makers up men					
4.425	.275	.20			
4.70	.275	.20			
4.625	.275	.20			
4.775	.275	.20			
5.025	.275	.20			
\$ 6.75	.20				.01
8.35	.40	1%			
80%JR	.40	1%			
55%JR	.40	1%			
50%JR	.40	1%			
70%JR	.40	1%			
5.85	.30	.20			.04
6.50	.30	.20			.04
7.00		.40			.04
8.30	.35	.20			.10
9.15	.30	.20			.04
5.85	.30	.20			.04
10.10	.50	.80			.08
3.00					
LATHERS					
LINE CONSTRUCTION:					
Linemen					
Operators					
Groundmen (more than 1 year experience)					
Groundmen (less than 1 year experience)					
Flat bed truck operator					
PAINTERS:					
Brush					
Spray					
PLASTERERS					
PLUMBERS & STEAMFITTERS					
ROOFERS					
SHEET METAL WORKERS					
SOFT FLOOR LAYERS					
SPRINKLER FITTERS					
TRUCK DRIVERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. TX76-4047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 6.40	.30	.50		.10
GROUP 2	7.30	.30	.50		.10
GROUP 3	7.70	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ro; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDES DECISION

STATE: Texas
 COUNTY: Taylor
 DATE: Date of Publication
 SUPERSEDES DECISION NO.: TX76-4048
 DATED: May 23, 1975, in 40 FR 22786.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
AIR CONDITIONING MECHANICS	\$ 4.00					
ASBESTOS WORKERS	8.78	.30	.51			.025
BOILERMAKERS	8.00	.50	.76			.02
BRICKLAYERS	7.20					
CARPENTERS	6.00	.25	.30			
CEMENT MASONS	5.41					
ELECTRICIANS	7.95	.40	1%			1/4%
GLAZIERS	4.50					
IRONWORKERS	6.65	.55	.50			.10
LABORERS:						
Laborers	3.20					
Mason tenders	3.80					
LINE CONSTRUCTION:						
Lineman	7.95	.40	1%			1/4%
Cable splicers	8.20	.40	1%			1/4%
Groundman (over 1 year of experience)	5.96	.40	1%			1/4%
Groundman (under 1 year of experience)	4.77	.40	1%			1/4%
Equipment Operator	6.52	.40	1%			1/4%
Flat bed truck driver	5.01	.40	1%			1/4%
PAINTERS:						
Brush, tape & bedding, paper-hanger	6.45		.10			
Spray	7.325		.10			
PLASTERERS	6.60					
PLUMBERS & PIPEFITTERS	7.35	.25	.55			.03
POWER EQUIPMENT OPERATORS:						
Backhoes	4.75					
Cranes, derricks, draglines	5.575					
Drilling	5.575					
Oilers	4.65					
ROOFERS	3.94					
SHEET METAL WORKERS	6.26					
SOFT FLOOR LAYERS	3.75					
TILE SETTERS	4.00					
TRUCK DRIVERS	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

SUGGESTED IDEAS DECISION

STATE: Texas
 COUNTY: Tom Green
 DECISION NO.: TX76-4049
 DATE: Date of Publication
 Supersedes Decision No. TX75-4088, dated May 16, 1975, in 40 FR 21677.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	\$ 7.50				.02
CARPENTERS	7.05				
CEMENT MASONS	4.75				
ELECTRICIANS:					
Zone 1 - Shall consist of the following cities or towns: Christoval & San Angelo	7.40		1%		1 1/4%
Zone 2 - Shall consist of all areas outside the five (5) road miles of the city limits of the above named cities and towns	7.75		1%		1 1/4%
IRONWORKERS:					
Ironworkers	7.73	.55	.70		.10
On jobs 30 miles or more from the city of San Angelo	7.855	.55	.70		.10
LABORERS	2.50				.01
LATHERS	7.65				.01
PAINTERS, BRUSH	4.00				
PLASTERERS	7.25				
PLUMBERS & PIPEFITTERS	5.50				
ROOFERS	4.00				
SHIET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.75				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTY: Travis

DATE: Date of Publication

DECISION NO.: TX76-4050
 Supersedes Decision No. TX75-4187, dated November 7, 1975, in 49 FR 52279.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy and highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX76-4050

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.23	.35	.45		.08
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.58	.40	.30		.04
CARPENTERS:					
Carpenters	8.41	.38	.40		.04
Millwrights	8.66	.38	.40		.04
CEMENT MASONS	7.59	.35	.20		.04
ELECTRICIANS & CABLE SPLICERS	9.80		1%		.8%
ELEVATOR CONSTRUCTORS	7.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.07JR	.445	.29	3%+a+b	.02
(PROB.)					
GLAZIERS	50%JR				
IRONWORKERS	7.06	.55	.20		.01
LABORERS:	8.44		.60		.12
GROUP 1 - General laborer and pier hole men	4.905	.275	.20		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	5.055	.275	.20		.02
GROUP 3 - Plaster tender; Rod carrier; Mortar mixers; Lather tender; Water or damp proofers	5.23	.275	.20		.02
GROUP 4 - Gunnite over 1 1/2" thick; Nozzlemen; Machine operator; Powderman & blaster	5.305	.275	.20		.02
LATHERS	9.325				.01
LINE CONSTRUCTION:					
Linemen	9.40	.40	1%		1/2%
Groundmen	5.77	.40	1%		1/2%
Groundmen (1st year)	4.70	.40	1%		1/2%
MARBLE SETTERS	7.15				
MARBLE SETTERS' HELPERS	4.87				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS:					
GROUP 1 - Brush; Taping & floating of sheetrock	\$ 7.25				
GROUP 2 - Paperhangers; Chipper, burner, torch; Skeleton steel-work erected	7.50				
GROUP 3 - Spray; Steam cleaning, sand blast & other powered equipment	7.75				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25¢ per hour above all base rates					
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & STEAMFITTERS	8.90	.30	.30		.05
ROOFERS:					
Roofers	5.23				.01
Kettlemen	5.08				.01
SHEET METAL WORKERS	9.08	3%+.30	.50		.07
SOFT FLOOR LAYERS	8.42	.35	.20		.09
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	7.15				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	7.15				
TILE SETTERS' HELPERS	4.87				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate					
b - Paid Holidays A thru F					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

DECISION NO. TX76-4050

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks; power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Rack Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Grate Machine; Clam Shell Operator; Rock Crusher, Operated on Job; Welding Machine; Clam 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Plex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
 DECISION NO.: TX76-4051 DATE: Date of Publication
 Superseadea Decision No. TX75-4188, dated November 7, 1975, in 40 FR 52281.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX76-4051

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ASBESTOS WORKERS	\$ 8.78	.30			.01
BOTTLERMAKERS	8.00	.50			1/2%
BRICKLAYERS & STONEMASONS	8.99	.30			1/2%
CARPENTERS:					1/2%
Carpenters	8.30	.30			1/2%
Millerights	8.79	.30			1/2%
CEMENT MASONS	7.15				1/2%
ELECTRICIANS:					
ZONE 1 - Worked performed within a road mile radius from the Local Union 681 business office up to 30 miles:					
Electricians	8.90	.20			.01
Cable splicers	9.15	.20			.02
ZONE 2 - All worked performed beyond Zone 1:					
Electricians	9.25	.20			.02
Cable splicers	9.50	.20			.02
ELEVATOR CONSTRUCTORS	8.21	.445			.02
ELEVATOR CONSTRUCTORS' HELPERS	7.07JR	.445			.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	507JR				.02
GLAZIERS	4.97				.03
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.73	.55			.02
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.855	.55			.02
LABORERS:					
GROUP 1 - General laborers	4.525	.275			.02
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.65	.275			.02
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1 1/2" thick; Nozzleman & machine operator	4.775	.275			.02
GROUP 5 - Powderman, blaster	5.025	.275			.02
LATHERS	\$7.65				.01
LINE CONSTRUCTION:					
Lineman; Lineman operator	10.26	1%			1/2%
Cable splicer	11.29	1%			1/2%
Groundman, 1st 6 months	6.16	1%			1/2%
Groundman, 2nd 6 months	6.67	1%			1/2%
Groundman, 1 year & over	7.18	1%			1/2%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	5.00				.01
Spray	6.50				.01
Plasterers	9.07				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25			.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25			.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25			.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25			.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25			.02
ROOFERS	5.42				.03
SHEET METAL WORKERS	8.97				
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate					
b - Paid Holidays A thru F					
PAYD HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

DECISION NO. TX76-4051

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
GROUP 1	\$ 6.40	.30	.50			.10
GROUP 2	7.30	.30	.50			.10
GROUP 3	7.70	.30	.50			.10

POWER EQUIPMENT OPERATORS

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (co 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractors; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDES DECISION

STATE: Texas

COUNTY: Wichita

DECISION NO.: TX76-4052

DATE: Date of Publication

Supersedes Decision No. TX75-4189, dated November 7, 1975, in 40 FR 52783.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. TX76-4052

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 7.00					
6.00					
4.50					
5.55					
3.00					
3.55					
4.32					
5.53					
4.00					
5.30					
5.00					

BRICKLAYERS
CARPENTERS
CEMENT MASONS
ELECTRICIANS
LABORERS:
Laborers
Mason tenders
PAINTERS, BRUSH
PLUMBERS & PIPEFITTERS
ROOFERS
SHEET METAL WORKERS
SOFT FLOOR LAYERS

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 3.55					
3.90					
4.35					
4.65					
3.75					
4.75					
3.40					
4.60					
3.25					
4.75					
4.00					
5.00					
3.50					
4.80					
4.40					
2.75					
3.00					
4.75					
4.50					
3.85					
3.70					
5.00					
3.00					
2.75					
4.20					
4.25					
3.25					
3.25					
3.75					
3.10					
4.20					
4.60					
3.00					
3.95					
4.20					
4.50					

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION

Asphalt Heaterman
Asphalt Raker
Batching Plant Scaleman
Carpenter
Carpenter Helper
Concrete Finisher (Paving)
Concrete Finisher Helper (Paving)
Concrete Finisher (Structures)
Concrete Finisher Helper (Structures)
Form Builder (Structures)
Form Liner (Paving & Curb)
Form Setter (Paving & Curb)
Form Setter Helper (Paving & Curb)
Form Setter (Structures)
Form Setter Helper (Structures)
Laborer, Common
Laborer, Utility Man
Menhole Builder, Brick
Mechanic
Mechanic Helper
Oiler
Serviceman
Painter (Structures)
Pipelayer
Pipelayer Helper
Powderman
Reinforcing Steel Setter (Structures)
Reinforcing Steel Setter Helper
Sign Erector
Spreader Box Man
Swamper
Power Equipment Operators:
Asphalt Distributor
Asphalt Paving Machine
Broom or Sweeper Operator
Bulldozer, 150 HP and Less
Bulldozer, over 150 HP
Concrete Paving Curing Machine

DECISION NO. TX76-4052

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	\$ 4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.80				
Crusher or Screening Plant Op.	4.15				
Foundation Drill Operator (Crawler Mounted)	3.75				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY and Less)	3.80				
Front End Loader (Over 2½ CY)	4.45				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator, Roller, Steel Wheel (Plant-Mix Pavements)	4.45				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.45				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.90				
Tractor (Crawler Type) 150 HP and Less	4.20				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) 80 HP & Less	3.85				
Tractor (Pneumatic) over 80 HP	3.15				
Traveling Mixer	3.65				
Trenching Machine, Light	3.75				
Trenching Machine, Heavy	3.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:	3.55				
Single Axle, Light					
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.00				
Transit-Mix	3.50				
Winch	3.50				
Vibrator Man (Hand Type)	3.75				
Weighman (Truck Scales)	3.05				
Welder	2.90				
	4.80				

SUPERSEDES DECISION

STATE: Wyoming
 COUNTRIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte
 DECISION NUMBER: WY76-5018
 DATE: Date of Publication
 Supersedes Decision No. WY75-5106 dated August 15, 1975, in 40 FR 34578
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION NO. WY76-5018

PAINTERS: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION										
ASBESTOS WORKERS	\$ 9.01	.38	.72		.02	\$ 8.70	.50			.05
BOILERMAKERS	8.90	.70	1.00			8.20	.50			.05
BRICKLAYERS: Stonemasons:	9.00		.20			9.39	.50			.05
Goshen, Laramie and Platte Cos.						5.00				
Converse, Natrona & Niobrara Counties	9.00									
CARPENTERS:										
Carpenters	8.25	.35	.30	.20	.10	7.59	1.00	.50	.35	.18
Piledrivers	8.50	.35	.30	.20	.10	8.34	1.00	.50	.35	.18
CEMENT MASONS:						9.11	1.00	.50	.35	.18
Cement Masons	8.55	.50				10.18	1.00	.50	.35	.18
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines										
Working on scaffold, swing stage or temporary platform over 20' high	8.80	.50				7.59	1.00	.50	.35	.18
ELECTRICIANS:	9.05	.50				8.09	1.00	.50	.35	.18
Goshen, Laramie, Niobrara and Platte Counties										
Electricians	9.40	.42	1%		4/10%	8.86	.60	.75	\$1.00	.10
Cable Splicers	9.65	.42	1%		4/10%	9.36	.60	.75	1.00	.10
Converse and Natrona Counties										
Electricians	9.04	.42	1% + .25		4/10%	9.86	.60	.75	1.00	.10
ELEVATOR CONSTRUCTORS	9.01	.445	.29	3% + a	.02	10.71	.60	.75	1.00	.10
ELEVATOR CONSTRUCTORS' HELPERS	70ZJR	.445	.29	3% + a	.02					
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50ZJR					11.21	.60	.75	1.00	.10
IRONWORKERS:						8.65				
Structural; Ornamental; Reinforcing	9.15	.55	.85		.25	8.51	.37	.70		.05
MARBLE, TILE & TERRAZZO WORKERS:						9.41	.37	.10		.02
Converse, Natrona & Niobrara Counties						9.55	.50	.80		.08
MILLWRIGHTS	8.50									
PAINTERS:	9.13	.53	.60	6%	.05					
Converse, Natrona & Niobrara Counties										
Painters, Brush & Roll; Hardwood Finishers; Sandblast Pot Tenders	7.95	.50			.05					

PAINTERS: (Cont'd)
 Painters; Spray; Swing stage & Chair; Sandblast (exterior); Hazardous Work Paperhanging; Drywall Finishers-Hand Jack Sandblast (interior); Steeplejack Goshen, Laramie and Platte Cos. Painters, Brush PLUMBERS; Steamfitters: Goshen, Laramie and Platte Cos. Zone 1 (10 miles radius from Cheyenne P. O.) Zone 2 (10 miles radius beyond Zone 1) Zone 3 (15 miles radius beyond Zone 2) Zone 4 (Jurisdiction beyond Zone 3) Zone 5 (Footnote "b") General Contracts \$700,000.00 or less General Contracts over \$700,000.00 PLUMBERS; Steamfitters: Converse, Natrona & Niobrara Cos. Zone 1 (10 miles radius from P. O. in Casper) Zone 2 (10 miles radius beyond Zone 1) Zone 3 (20 miles radius beyond Zone 2) Zone 4 (40 miles beyond Zone 3) Zone 5 (Jurisdiction beyond Zone 4) ROOFERS SHEET METAL WORKERS: Converse, Natrona & Niobrara Cos. Goshen, Laramie and Platte Cos. SPRINKLER FITTERS WELDER; RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

DECISION NO. WY76-5018

DECISION NO. WY76-5018

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5 mile radius from the Post Office of each of the above Cities.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 5.80	.33	.20		.05
6.02	.33	.20		.05
6.08	.33	.20		.05
6.30	.33	.20		.05
6.30	.33	.20		.05
6.55	.33	.20		.05
6.39	.33	.20		.05
6.28	.33	.20		.05
6.12	.33	.20		.05
LABORERS (BUILDING CONSTRUCTION)				
Group 1:				
Group 2:				
Group 3:				
Group 4:				
Group 5:				
Group 6:				
Group 7:				
Group 8:				
Group 9:				
LABORERS (HEAVY CONSTRUCTION)				
Group 1:				
Group 2:				
Group 3:				
Group 4:				
Group 5:				
Group 5A:				
Group 5B:				
Group 5C:				
HEAVY CONSTRUCTION				
Carpenters				
Cement Masons				
Ironworkers, structural				
Ironworkers, reinforcing				
Painters, brush and spray				

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Riprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive \$.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Joiner; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipe layer (non-metallic); Pipe wrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive \$.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, joiner, mortarman, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9
Group 10
Group 11
Group 12
Group 13
Group 14
Group 15
Group 16
Group 17

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.51	.19	.30		.01
5.56	.19	.30		.01
5.61	.19	.30		.01
5.65	.19	.30		.01
5.68	.19	.30		.01
5.73	.19	.30		.01
5.77	.19	.30		.01
5.79	.19	.30		.01
5.90	.19	.30		.01
5.96	.19	.30		.01
5.98	.19	.30		.01
6.16	.19	.30		.01
6.20	.19	.30		.01
6.27	.19	.30		.01
6.33	.19	.30		.01
6.50	.19	.30		.01
6.84	.19	.30		.01

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler, Utility; Scrap Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Ballboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, Integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disk, pulling or rollers; and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairmen, Mechanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION

TRUCK DRIVERS

GROUP 1
DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.

GROUP 2
FIELD MECHANICS

GROUP 3
DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.

GROUP 4
DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.

GROUP 5
DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.

GROUP 6
DUMP (Water level capacity box), 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)

GROUP 7
LOWBOY and Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.

GROUP 8
HELPERS - FIELD (Welders, Mechanics etc.)

GROUP 9
OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
			App. Tr.
\$ 5.39			
5.34			
5.34			
5.29			
5.24			
5.14			
5.14			
4.90			
4.84			

HEAVY CONSTRUCTION

TRUCK DRIVERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle				
\$ 4.74				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle				
4.64				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers				
4.54				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spread- er; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and help- ers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers				
4.39				
GROUP 14 PILOT CAR DRIVERS; Pick-up				
4.34				

[FR Doc.76-4732 Filed 2-19-76; 8:45 am]

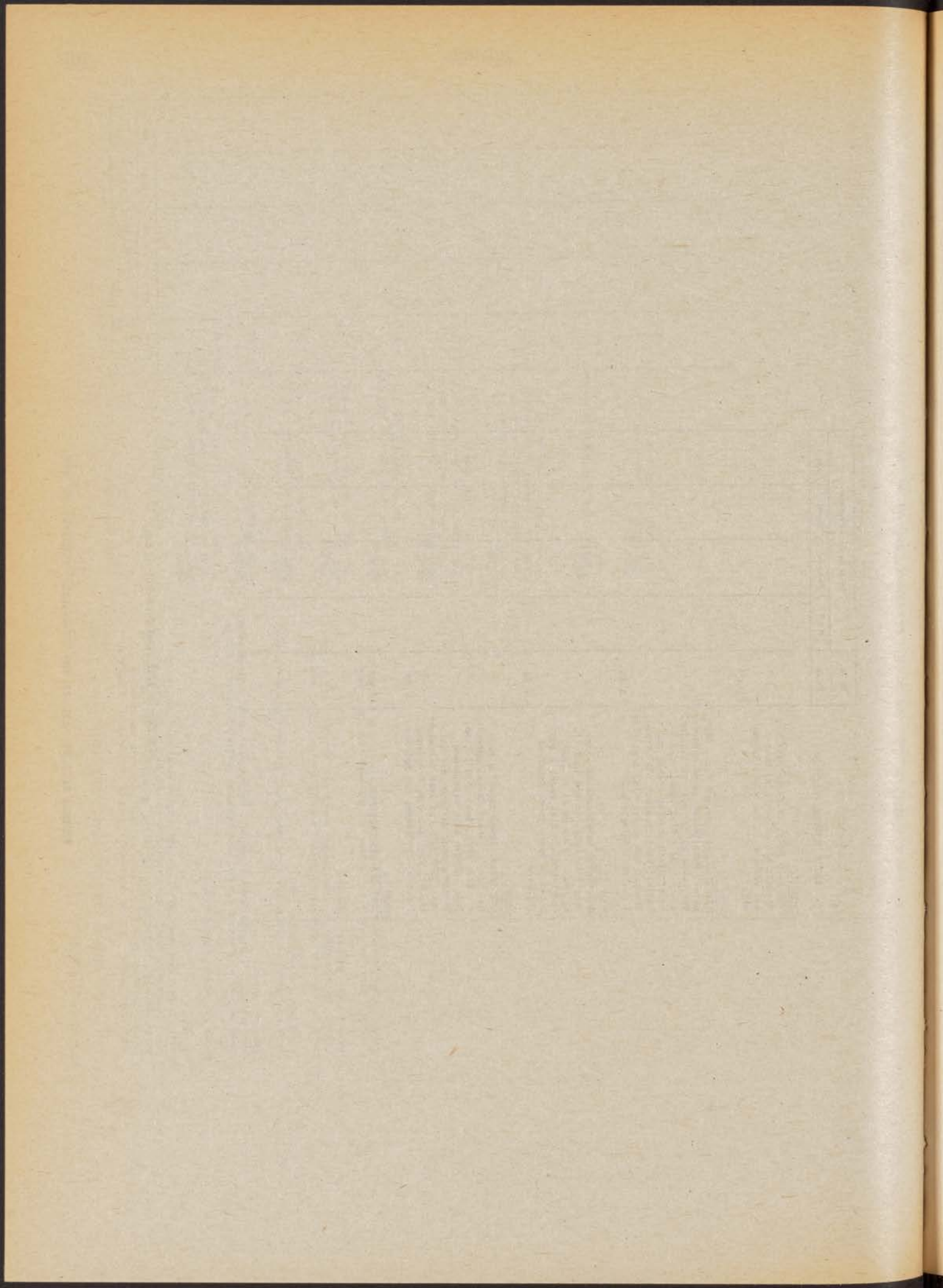


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